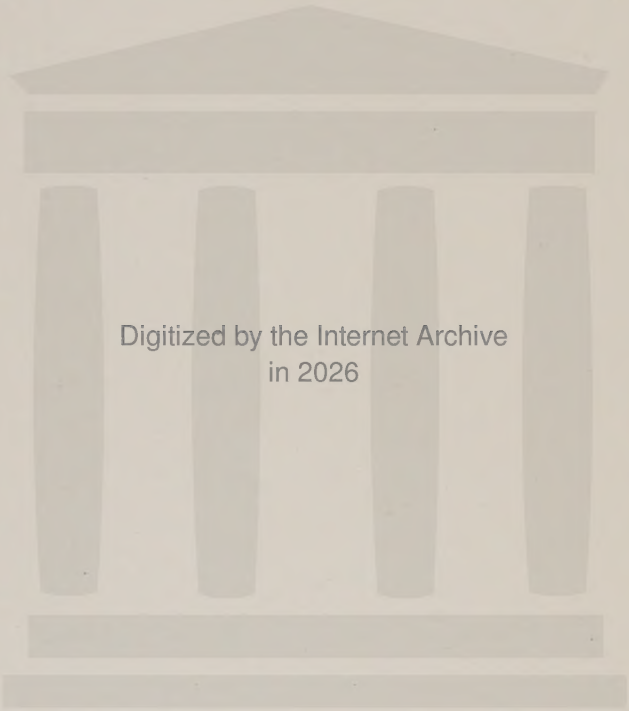
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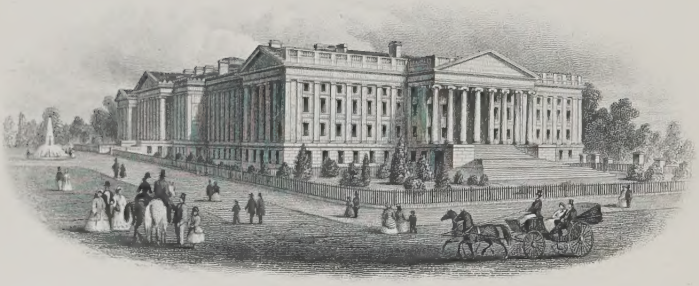

THE TREASURY DEPARTMENT

A COMPILATION

OF THE

MESSAGES AND PAPERS

OF THE

PRESIDENTS

1789-1897

PUBLISHED BY AUTHORITY OF CONGRESS

BY

JAMES D. RICHARDSON

A REPRESENTATIVE FROM THE STATE OF TENNESSEE

VOLUME II

WASHINGTON
GOVERNMENT PRINTING OFFICE
1896

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Prefatory Note

The first volume of this compilation was given to Congress and the public about May 1, 1896. I believe I am warranted in saying here that it met with much favor by all who examined it. The press of the country was unsparing in its praise. Congress, by a resolution passed on the 22d day of May, ordered the printing of 15,000 additional copies of the entire publication.

I have inserted in this volume a steel engraving of the Treasury building; the succeeding volumes will contain engravings of other important public buildings.

The resolution authorizing this work required the publication of the annual, special, and veto messages, inaugural addresses, and proclamations of the Presidents. I have found in addition to these documents others which emanated from the Chief Magistrates, called Executive orders; they are in the nature of proclamations, and have like force and effect. I have therefore included in this, and will include in the succeeding volumes, all such Executive orders as may appear to have national importance or to possess more than ordinary interest.

If this volume meets the same degree of favor as the first, I shall be greatly gratified.

JAMES D. RICHARDSON.

JULY 4, 1896.

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James Monroe

March 4, 1817, to March 4, 1825

James Monroe

James Monroe was born April 28, 1758, in Westmoreland County, Va. He was the son of Spence Monroe and Elizabeth Jones, both natives of Virginia. When in his eighteenth year he enlisted as a private soldier in the Army to fight for independence; was in several battles, and was wounded in the engagement at Trenton; was promoted to the rank of captain of infantry. During 1777 and 1778 he acted as aid to Lord Stirling, and distinguished himself. He studied law under the direction of Thomas Jefferson, then governor of Virginia, who in 1780 appointed him to visit the army in South Carolina on an important mission. In 1782 he was elected to the Virginia assembly by the county of King George, and was by that body chosen a member of the executive council. The next year he was chosen a delegate to the Continental Congress, and remained a member until 1786; while a member he married a Miss Kortright, of New York City. Retiring from Congress, he began the practice of law at Fredericksburg, Va., but was at once elected to the legislature. In 1788 was a delegate to the State convention assembled to consider the Federal Constitution. Was a Senator from Virginia from 1790 to 1794. In May, 1794, was appointed by Washington minister to France. He was recalled in 1796, and was again elected to the legislature. In 1799 was elected governor of Virginia. In 1802 was appointed by President Jefferson envoy extraordinary to France, and in 1803 was sent to London as the successor of Rufus King. In 1805 performed a diplomatic mission to Spain in relation to the boundary of Louisiana, returning to London the following year; returned to the United States in 1808. In 1811 was again elected governor of his State, but in the same year resigned that office to become Secretary of State under President Madison. After the capture of Washington, in 1814, he was appointed to the War Department, which position he held until 1815, without relinquishing the office of Secretary of State. He remained at the head of the Department of State until the close of Mr. Madison's term. Was elected President in 1816, and reelected in 1820, retiring March 4, 1825, to his residence in Loudoun County, Va. In 1829 was elected a member of the convention called to revise the constitution of the State, and was unanimously chosen to preside over its deliberations. He was forced by ill health to retire from office, and removed to New York to reside with his son-in-law, Mr. Samuel L. Gouverneur. He died July 4, 1831, and was buried in New York City, but in 1858 his remains were removed to Richmond, Va.

LETTER FROM THE PRESIDENT ELECT.

The President of the Senate communicated the following letter from the President elect of the United States:

CITY OF WASHINGTON, *March 1, 1817.*

Hon. JOHN GAILLARD,

President of the Senate of the United States.

SIR: I beg leave through you to inform the honorable Senate of the United States that I propose to take the oath which the Constitution prescribes to the President of the United States before he enters on the execution of his office on Tuesday, the 4th instant, at 12 o'clock, in the Chamber of the House of Representatives.

I have the honor to be, with the greatest respect, sir, your most obedient and most humble servant,

JAMES MONROE.

FIRST INAUGURAL ADDRESS.

I should be destitute of feeling if I was not deeply affected by the strong proof which my fellow-citizens have given me of their confidence in calling me to the high office whose functions I am about to assume. As the expression of their good opinion of my conduct in the public service, I derive from it a gratification which those who are conscious of having done all that they could to merit it can alone feel. My sensibility is increased by a just estimate of the importance of the trust and of the nature and extent of its duties, with the proper discharge of which the highest interests of a great and free people are intimately connected. Conscious of my own deficiency, I can not enter on these duties without great anxiety for the result. From a just responsibility I will never shrink, calculating with confidence that in my best efforts to promote the public welfare my motives will always be duly appreciated and my conduct be viewed with that candor and indulgence which I have experienced in other stations.

In commencing the duties of the chief executive office it has been the practice of the distinguished men who have gone before me to explain the principles which would govern them in their respective Administrations. In following their venerated example my attention is naturally drawn to the great causes which have contributed in a principal degree to produce the present happy condition of the United States. They will best ex-

plain the nature of our duties and shed much light on the policy which ought to be pursued in future.

From the commencement of our Revolution to the present day almost forty years have elapsed, and from the establishment of this Constitution twenty-eight. Through this whole term the Government has been what may emphatically be called self-government. And what has been the effect? To whatever object we turn our attention, whether it relates to our foreign or domestic concerns, we find abundant cause to felicitate ourselves in the excellence of our institutions. During a period fraught with difficulties and marked by very extraordinary events the United States have flourished beyond example. Their citizens individually have been happy and the nation prosperous.

Under this Constitution our commerce has been wisely regulated with foreign nations and between the States; new States have been admitted into our Union; our territory has been enlarged by fair and honorable treaty, and with great advantage to the original States; the States, respectively protected by the National Government under a mild, parental system against foreign dangers, and enjoying within their separate spheres, by a wise partition of power, a just proportion of the sovereignty, have improved their police, extended their settlements, and attained a strength and maturity which are the best proofs of wholesome laws well administered. And if we look to the condition of individuals what a proud spectacle does it exhibit! On whom has oppression fallen in any quarter of our Union? Who has been deprived of any right of person or property? Who restrained from offering his vows in the mode which he prefers to the Divine Author of his being? It is well known that all these blessings have been enjoyed in their fullest extent; and I add with peculiar satisfaction that there has been no example of a capital punishment being inflicted on anyone for the crime of high treason.

Some who might admit the competency of our Government to these beneficent duties might doubt it in trials which put to the test its strength and efficiency as a member of the great community of nations. Here too experience has afforded us the most satisfactory proof in its favor. Just as this Constitution was put into action several of the principal States of Europe had become much agitated and some of them seriously convulsed. Destructive wars ensued, which have of late only been terminated. In the course of these conflicts the United States received great injury from several of the parties. It was their interest to stand aloof from the contest, to demand justice from the party committing the injury, and to cultivate by a fair and honorable conduct the friendship of all. War became at length inevitable, and the result has shown that our Government is equal to that, the greatest of trials, under the most unfavorable circumstances. Of the virtue of the people and of the heroic exploits of the Army, the Navy, and the militia I need not speak.

Such, then, is the happy Government under which we live—a Govern-

ment adequate to every purpose for which the social compact is formed; a Government elective in all its branches, under which every citizen may by his merit obtain the highest trust recognized by the Constitution; which contains within it no cause of discord, none to put at variance one portion of the community with another; a Government which protects every citizen in the full enjoyment of his rights, and is able to protect the nation against injustice from foreign powers.

Other considerations of the highest importance admonish us to cherish our Union and to cling to the Government which supports it. Fortunate as we are in our political institutions, we have not been less so in other circumstances on which our prosperity and happiness essentially depend. Situated within the temperate zone, and extending through many degrees of latitude along the Atlantic, the United States enjoy all the varieties of climate, and every production incident to that portion of the globe. Penetrating internally to the Great Lakes and beyond the sources of the great rivers which communicate through our whole interior, no country was ever happier with respect to its domain. Blessed, too, with a fertile soil, our produce has always been very abundant, leaving, even in years the least favorable, a surplus for the wants of our fellow-men in other countries. Such is our peculiar felicity that there is not a part of our Union that is not particularly interested in preserving it. The great agricultural interest of the nation prospers under its protection. Local interests are not less fostered by it. Our fellow-citizens of the North engaged in navigation find great encouragement in being made the favored carriers of the vast productions of the other portions of the United States, while the inhabitants of these are amply recompensed, in their turn, by the nursery for seamen and naval force thus formed and reared up for the support of our common rights. Our manufactures find a generous encouragement by the policy which patronizes domestic industry, and the surplus of our produce a steady and profitable market by local wants in less-favored parts at home.

Such, then, being the highly favored condition of our country, it is the interest of every citizen to maintain it. What are the dangers which menace us? If any exist they ought to be ascertained and guarded against.

In explaining my sentiments on this subject it may be asked, What raised us to the present happy state? How did we accomplish the Revolution? How remedy the defects of the first instrument of our Union, by infusing into the National Government sufficient power for national purposes, without impairing the just rights of the States or affecting those of individuals? How sustain and pass with glory through the late war? The Government has been in the hands of the people. To the people, therefore, and to the faithful and able depositaries of their trust is the credit due. Had the people of the United States been educated in different principles, had they been less intelligent, less independent,

or less virtuous, can it be believed that we should have maintained the same steady and consistent career or been blessed with the same success? While, then, the constituent body retains its present sound and healthful state everything will be safe. They will choose competent and faithful representatives for every department. It is only when the people become ignorant and corrupt, when they degenerate into a populace, that they are incapable of exercising the sovereignty. Usurpation is then an easy attainment, and an usurper soon found. The people themselves become the willing instruments of their own debasement and ruin. Let us, then, look to the great cause, and endeavor to preserve it in full force. Let us by all wise and constitutional measures promote intelligence among the people as the best means of preserving our liberties.

Dangers from abroad are not less deserving of attention. Experiencing the fortune of other nations, the United States may be again involved in war, and it may in that event be the object of the adverse party to overset our Government, to break our Union, and demolish us as a nation. Our distance from Europe and the just, moderate, and pacific policy of our Government may form some security against these dangers, but they ought to be anticipated and guarded against. Many of our citizens are engaged in commerce and navigation, and all of them are in a certain degree dependent on their prosperous state. Many are engaged in the fisheries. These interests are exposed to invasion in the wars between other powers, and we should disregard the faithful admonition of experience if we did not expect it. We must support our rights or lose our character, and with it, perhaps, our liberties. A people who fail to do it can scarcely be said to hold a place among independent nations. National honor is national property of the highest value. The sentiment in the mind of every citizen is national strength. It ought therefore to be cherished.

To secure us against these dangers our coast and inland frontiers should be fortified, our Army and Navy, regulated upon just principles as to the force of each, be kept in perfect order, and our militia be placed on the best practicable footing. To put our extensive coast in such a state of defense as to secure our cities and interior from invasion will be attended with expense, but the work when finished will be permanent, and it is fair to presume that a single campaign of invasion by a naval force superior to our own, aided by a few thousand land troops, would expose us to greater expense, without taking into the estimate the loss of property and distress of our citizens, than would be sufficient for this great work. Our land and naval forces should be moderate, but adequate to the necessary purposes—the former to garrison and preserve our fortifications and to meet the first invasions of a foreign foe, and, while constituting the elements of a greater force, to preserve the science as well as all the necessary implements of war in a state to be brought into activity in the event of war; the latter, retained within the limits proper in a

state of peace, might aid in maintaining the neutrality of the United States with dignity in the wars of other powers and in saving the property of their citizens from spoliation. In time of war, with the enlargement of which the great naval resources of the country render it susceptible, and which should be duly fostered in time of peace, it would contribute essentially, both as an auxiliary of defense and as a powerful engine of annoyance, to diminish the calamities of war and to bring the war to a speedy and honorable termination.

But it ought always to be held prominently in view that the safety of these States and of everything dear to a free people must depend in an eminent degree on the militia. Invasions may be made too formidable to be resisted by any land and naval force which it would comport either with the principles of our Government or the circumstances of the United States to maintain. In such cases recourse must be had to the great body of the people, and in a manner to produce the best effect. It is of the highest importance, therefore, that they be so organized and trained as to be prepared for any emergency. The arrangement should be such as to put at the command of the Government the ardent patriotism and youthful vigor of the country. If formed on equal and just principles, it can not be oppressive. It is the crisis which makes the pressure, and not the laws which provide a remedy for it. This arrangement should be formed, too, in time of peace, to be the better prepared for war. With such an organization of such a people the United States have nothing to dread from foreign invasion. At its approach an overwhelming force of gallant men might always be put in motion.

Other interests of high importance will claim attention, among which the improvement of our country by roads and canals, proceeding always with a constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the States we shall add much to the convenience and comfort of our fellow-citizens, much to the ornament of the country, and, what is of greater importance, we shall shorten distances, and, by making each part more accessible to and dependent on the other, we shall bind the Union more closely together. Nature has done so much for us by intersecting the country with so many great rivers, bays, and lakes, approaching from distant points so near to each other, that the inducement to complete the work seems to be peculiarly strong. A more interesting spectacle was perhaps never seen than is exhibited within the limits of the United States—a territory so vast and advantageously situated, containing objects so grand, so useful, so happily connected in all their parts!

Our manufactures will likewise require the systematic and fostering care of the Government. Possessing as we do all the raw materials, the fruit of our own soil and industry, we ought not to depend in the degree we have done on supplies from other countries. While we are thus dependent the sudden event of war, unsought and unexpected, can not fail

to plunge us into the most serious difficulties. It is important, too, that the capital which nourishes our manufactures should be domestic, as its influence in that case instead of exhausting, as it may do in foreign hands, would be felt advantageously on agriculture and every other branch of industry. Equally important is it to provide at home a market for our raw materials, as by extending the competition it will enhance the price and protect the cultivator against the casualties incident to foreign markets.

With the Indian tribes it is our duty to cultivate friendly relations and to act with kindness and liberality in all our transactions. Equally proper is it to persevere in our efforts to extend to them the advantages of civilization.

The great amount of our revenue and the flourishing state of the Treasury are a full proof of the competency of the national resources for any emergency, as they are of the willingness of our fellow-citizens to bear the burdens which the public necessities require. The vast amount of vacant lands, the value of which daily augments, forms an additional resource of great extent and duration. These resources, besides accomplishing every other necessary purpose, put it completely in the power of the United States to discharge the national debt at an early period. Peace is the best time for improvement and preparation of every kind; it is in peace that our commerce flourishes most, that taxes are most easily paid, and that the revenue is most productive.

The Executive is charged officially in the Departments under it with the disbursement of the public money, and is responsible for the faithful application of it to the purposes for which it is raised. The Legislature is the watchful guardian over the public purse. It is its duty to see that the disbursement has been honestly made. To meet the requisite responsibility every facility should be afforded to the Executive to enable it to bring the public agents intrusted with the public money strictly and promptly to account. Nothing should be presumed against them; but if, with the requisite facilities, the public money is suffered to lie long and uselessly in their hands, they will not be the only defaulters, nor will the demoralizing effect be confined to them. It will evince a relaxation and want of tone in the Administration which will be felt by the whole community. I shall do all I can to secure economy and fidelity in this important branch of the Administration, and I doubt not that the Legislature will perform its duty with equal zeal. A thorough examination should be regularly made, and I will promote it.

It is particularly gratifying to me to enter on the discharge of these duties at a time when the United States are blessed with peace. It is a state most consistent with their prosperity and happiness. It will be my sincere desire to preserve it, so far as depends on the Executive, on just principles with all nations, claiming nothing unreasonable of any and rendering to each what is its due.

Equally gratifying is it to witness the increased harmony of opinion which pervades our Union. Discord does not belong to our system. Union is recommended as well by the free and benign principles of our Government, extending its blessings to every individual, as by the other eminent advantages attending it. The American people have encountered together great dangers and sustained severe trials with success. They constitute one great family with a common interest. Experience has enlightened us on some questions of essential importance to the country. The progress has been slow, dictated by a just reflection and a faithful regard to every interest connected with it. To promote this harmony in accord with the principles of our republican Government and in a manner to give them the most complete effect, and to advance in all other respects the best interests of our Union, will be the object of my constant and zealous exertions.

Never did a government commence under auspices so favorable, nor ever was success so complete. If we look to the history of other nations, ancient or modern, we find no example of a growth so rapid, so gigantic, of a people so prosperous and happy. In contemplating what we have still to perform, the heart of every citizen must expand with joy when he reflects how near our Government has approached to perfection; that in respect to it we have no essential improvement to make; that the great object is to preserve it in the essential principles and features which characterize it, and that that is to be done by preserving the virtue and enlightening the minds of the people; and as a security against foreign dangers to adopt such arrangements as are indispensable to the support of our independence, our rights and liberties. If we persevere in the career in which we have advanced so far and in the path already traced, we can not fail, under the favor of a gracious Providence, to attain the high destiny which seems to await us.

In the Administrations of the illustrious men who have preceded me in this high station, with some of whom I have been connected by the closest ties from early life, examples are presented which will always be found highly instructive and useful to their successors. From these I shall endeavor to derive all the advantages which they may afford. Of my immediate predecessor, under whom so important a portion of this great and successful experiment has been made, I shall be pardoned for expressing my earnest wishes that he may long enjoy in his retirement the affections of a grateful country, the best reward of exalted talents and the most faithful and meritorious services. Relying on the aid to be derived from the other departments of the Government, I enter on the trust to which I have been called by the suffrages of my fellow-citizens with my fervent prayers to the Almighty that He will be graciously pleased to continue to us that protection which He has already so conspicuously displayed in our favor.

MARCH 4, 1817.

PROCLAMATION.

[From Niles's Weekly Register, vol. 12, p. 176.]

BY THE PRESIDENT OF THE UNITED STATES.

Whereas by an act entitled "An act providing for the sale of the tract of land at the lower rapids of Sandusky River," passed on the 27th day of April, 1816, it was enacted that all the lands in the said tract, except the reservations made in the said act, should be offered for sale to the highest bidder at Wooster, in the State of Ohio, under the direction of the register of the land office and the receiver of public moneys at Wooster, and on such day or days as shall, by a public proclamation of the President of the United States, be designated for that purpose; and

Whereas by an act entitled "An act providing for the sale of the tract of land at the British fort at the Miami of the Lake, at the foot of the rapids, and for other purposes," passed the 27th day of April, 1816, it was enacted that all the land contained in the said tract, except the reservations and exceptions made in the said act, should be offered for sale to the highest bidder at Wooster, in the State of Ohio, under the direction of the register of the land office and the receiver of public moneys at Wooster, and on such day or days as shall, by a public proclamation of the President of the United States, be designated for that purpose:

Wherefore I, James Monroe, President of the United States, in conformity with the provisions of the acts before recited, do hereby declare and make known that the lands authorized to be sold by the first-mentioned act shall be offered for sale to the highest bidder at Wooster, in the State of Ohio, on the first Monday in July next, and continue open for seven days and no longer, and that the lands authorized to be sold by the last-mentioned act shall be offered for sale to the highest bidder at the same place on the third Tuesday in July next, and continue open for seven days and no longer.

Given under my hand this 15th day of April, 1817.

By the President: JAMES MONROE.

J. MEIGS,

Commissioner of the General Land Office

FIRST ANNUAL MESSAGE.

Fellow-Citizens of the Senate and of the House of Representatives:

At no period of our political existence had we so much cause to felicitate ourselves at the prosperous and happy condition of our country. The abundant fruits of the earth have filled it with plenty. An extensive and profitable commerce has greatly augmented our revenue. The

public credit has attained an extraordinary elevation. Our preparations for defense in case of future wars, from which, by the experience of all nations, we ought not to expect to be exempted, are advancing under a well-digested system with all the dispatch which so important a work will admit. Our free Government, founded on the interest and affections of the people, has gained and is daily gaining strength. Local jealousies are rapidly yielding to more generous, enlarged, and enlightened views of national policy. For advantages so numerous and highly important it is our duty to unite in grateful acknowledgments to that Omnipotent Being from whom they are derived, and in unceasing prayer that He will endow us with virtue and strength to maintain and hand them down in their utmost purity to our latest posterity.

I have the satisfaction to inform you that an arrangement which had been commenced by my predecessor with the British Government for the reduction of the naval force by Great Britain and the United States on the Lakes has been concluded, by which it is provided that neither party shall keep in service on Lake Champlain more than one vessel, on Lake Ontario more than one, and on Lake Erie and the upper lakes more than two, to be armed each with one cannon only, and that all the other armed vessels of both parties, of which an exact list is interchanged, shall be dismantled. It is also agreed that the force retained shall be restricted in its duty to the internal purposes of each party, and that the arrangement shall remain in force until six months shall have expired after notice given by one of the parties to the other of its desire that it should terminate. By this arrangement useless expense on both sides and, what is of still greater importance, the danger of collision between armed vessels in those inland waters, which was great, is prevented.

I have the satisfaction also to state that the commissioners under the fourth article of the treaty of Ghent, to whom it was referred to decide to which party the several islands in the bay of Passamaquoddy belonged under the treaty of 1783, have agreed in a report, by which all the islands in the possession of each party before the late war have been decreed to it. The commissioners acting under the other articles of the treaty of Ghent for the settlement of boundaries have also been engaged in the discharge of their respective duties, but have not yet completed them. The difference which arose between the two Governments under that treaty respecting the right of the United States to take and cure fish on the coast of the British provinces north of our limits, which had been secured by the treaty of 1783, is still in negotiation. The proposition made by this Government to extend to the colonies of Great Britain the principle of the convention of London, by which the commerce between the ports of the United States and British ports in Europe had been placed on a footing of equality, has been declined by the British Government. This subject having been thus amicably discussed between the two Governments, and it appearing that the British Government is unwilling to depart from its

present regulations, it remains for Congress to decide whether they will make any other regulations in consequence thereof for the protection and improvement of our navigation.

The negotiation with Spain for spoliations on our commerce and the settlement of boundaries remains essentially in the state it held by the communications that were made to Congress by my predecessor. It has been evidently the policy of the Spanish Government to keep the negotiation suspended, and in this the United States have acquiesced, from an amicable disposition toward Spain and in the expectation that her Government would, from a sense of justice, finally accede to such an arrangement as would be equal between the parties. A disposition has been lately shown by the Spanish Government to move in the negotiation, which has been met by this Government, and should the conciliatory and friendly policy which has invariably guided our councils be reciprocated, a just and satisfactory arrangement may be expected. It is proper, however, to remark that no proposition has yet been made from which such a result can be presumed.

It was anticipated at an early stage that the contest between Spain and the colonies would become highly interesting to the United States. It was natural that our citizens should sympathize in events which affected their neighbors. It seemed probable also that the prosecution of the conflict along our coast and in contiguous countries would occasionally interrupt our commerce and otherwise affect the persons and property of our citizens. These anticipations have been realized. Such injuries have been received from persons acting under authority of both the parties, and for which redress has in most instances been withheld. Through every stage of the conflict the United States have maintained an impartial neutrality, giving aid to neither of the parties in men, money, ships, or munitions of war. They have regarded the contest not in the light of an ordinary insurrection or rebellion, but as a civil war between parties nearly equal, having as to neutral powers equal rights. Our ports have been open to both, and every article the fruit of our soil or of the industry of our citizens which either was permitted to take has been equally free to the other. Should the colonies establish their independence, it is proper now to state that this Government neither seeks nor would accept from them any advantage in commerce or otherwise which will not be equally open to all other nations. The colonies will in that event become independent states, free from any obligation to or connection with us which it may not then be their interest to form on the basis of a fair reciprocity.

In the summer of the present year an expedition was set on foot against East Florida by persons claiming to act under the authority of some of the colonies, who took possession of Amelia Island, at the mouth of the St. Marys River, near the boundary of the State of Georgia. As this Province lies eastward of the Mississippi, and is bounded by the United

States and the ocean on every side, and has been a subject of negotiation with the Government of Spain as an indemnity for losses by spoliation or in exchange for territory of equal value westward of the Mississippi, a fact well known to the world, it excited surprise that any countenance should be given to this measure by any of the colonies. As it would be difficult to reconcile it with the friendly relations existing between the United States and the colonies, a doubt was entertained whether it had been authorized by them, or any of them. This doubt has gained strength by the circumstances which have unfolded themselves in the prosecution of the enterprise, which have marked it as a mere private, unauthorized adventure. Projected and commenced with an incompetent force, reliance seems to have been placed on what might be drawn, in defiance of our laws, from within our limits; and of late, as their resources have failed, it has assumed a more marked character of unfriendliness to us, the island being made a channel for the illicit introduction of slaves from Africa into the United States, an asylum for fugitive slaves from the neighboring States, and a port for smuggling of every kind.

A similar establishment was made at an earlier period by persons of the same description in the Gulf of Mexico at a place called Galvezton, within the limits of the United States, as we contend, under the cession of Louisiana. This enterprise has been marked in a more signal manner by all the objectionable circumstances which characterized the other, and more particularly by the equipment of privateers which have annoyed our commerce, and by smuggling. These establishments, if ever sanctioned by any authority whatever, which is not believed, have abused their trust and forfeited all claim to consideration. A just regard for the rights and interests of the United States required that they should be suppressed, and orders have been accordingly issued to that effect. The imperious considerations which produced this measure will be explained to the parties whom it may in any degree concern.

To obtain correct information on every subject in which the United States are interested; to inspire just sentiments in all persons in authority, on either side, of our friendly disposition so far as it may comport with an impartial neutrality, and to secure proper respect to our commerce in every port and from every flag, it has been thought proper to send a ship of war with three distinguished citizens along the southern coast with instruction to touch at such ports as they may find most expedient for these purposes. With the existing authorities, with those in the possession of and exercising the sovereignty, must the communication be held; from them alone can redress for past injuries committed by persons acting under them be obtained; by them alone can the commission of the like in future be prevented.

Our relations with the other powers of Europe have experienced no essential change since the last session. In our intercourse with each due attention continues to be paid to the protection of our commerce, and to

every other object in which the United States are interested. A strong hope is entertained that, by adhering to the maxims of a just, a candid, and friendly policy, we may long preserve amicable relations with all the powers of Europe on conditions advantageous and honorable to our country.

With the Barbary States and the Indian tribes our pacific relations have been preserved.

In calling your attention to the internal concerns of our country the view which they exhibit is peculiarly gratifying. The payments which have been made into the Treasury show the very productive state of the public revenue. After satisfying the appropriations made by law for the support of the civil Government and of the military and naval establishments, embracing suitable provision for fortifications and for the gradual increase of the Navy, paying the interest of the public debt, and extinguishing more than eighteen millions of the principal, within the present year, it is estimated that a balance of more than $6,000,000 will remain in the Treasury on the 1st day of January applicable to the current service of the ensuing year.

The payments into the Treasury during the year 1818 on account of imposts and tonnage, resulting principally from duties which have accrued in the present year, may be fairly estimated at $20,000,000; the internal revenues at $2,500,000; the public lands at $1,500,000; bank dividends and incidental receipts at $500,000; making in the whole $24,500,000.

The annual permanent expenditure for the support of the civil Government and of the Army and Navy, as now established by law, amounts to $11,800,000, and for the sinking fund to $10,000,000, making in the whole $21,800,000, leaving an annual excess of revenue beyond the expenditure of $2,700,000, exclusive of the balance estimated to be in the Treasury on the 1st day of January, 1818.

In the present state of the Treasury the whole of the Louisiana debt may be redeemed in the year 1819, after which, if the public debt continues as it now is, above par, there will be annually about five millions of the sinking fund unexpended until the year 1825, when the loan of 1812 and the stock created by funding Treasury notes will be redeemable.

It is also estimated that the Mississippi stock will be discharged during the year 1819 from the proceeds of the public lands assigned to that object, after which the receipts from those lands will annually add to the public revenue the sum of one million and a half, making the permanent annual revenue amount to $26,000,000, and leaving an annual excess of revenue after the year 1819 beyond the permanent authorized expenditure of more than $4,000,000.

By the last returns to the Department of War the militia force of the several States may be estimated at 800,000 men—infantry, artillery, and cavalry. Great part of this force is armed, and measures are taken to arm the whole. An improvement in the organization and discipline of

the militia is one of the great objects which claims the unremitted attention of Congress.

The regular force amounts nearly to the number required by law, and is stationed along the Atlantic and inland frontiers.

Of the naval force it has been necessary to maintain strong squadrons in the Mediterranean and in the Gulf of Mexico.

From several of the Indian tribes inhabiting the country bordering on Lake Erie purchases have been made of lands on conditions very favorable to the United States, and, as it is presumed, not less so to the tribes themselves.

By these purchases the Indian title, with moderate reservations, has been extinguished to the whole of the land within the limits of the State of Ohio, and to a part of that in the Michigan Territory and of the State of Indiana. From the Cherokee tribe a tract has been purchased in the State of Georgia and an arrangement made by which, in exchange for lands beyond the Mississippi, a great part, if not the whole, of the land belonging to that tribe eastward of that river in the States of North Carolina, Georgia, and Tennessee, and in the Alabama Territory will soon be acquired. By these acquisitions, and others that may reasonably be expected soon to follow, we shall be enabled to extend our settlements from the inhabited parts of the State of Ohio along Lake Erie into the Michigan Territory, and to connect our settlements by degrees through the State of Indiana and the Illinois Territory to that of Missouri. A similar and equally advantageous effect will soon be produced to the south, through the whole extent of the States and territory which border on the waters emptying into the Mississippi and the Mobile. In this progress, which the rights of nature demand and nothing can prevent, marking a growth rapid and gigantic, it is our duty to make new efforts for the preservation, improvement, and civilization of the native inhabitants. The hunter state can exist only in the vast uncultivated desert. It yields to the more dense and compact form and greater force of civilized population; and of right it ought to yield, for the earth was given to mankind to support the greatest number of which it is capable, and no tribe or people have a right to withhold from the wants of others more than is necessary for their own support and comfort. It is gratifying to know that the reservations of land made by the treaties with the tribes on Lake Erie were made with a view to individual ownership among them and to the cultivation of the soil by all, and that an annual stipend has been pledged to supply their other wants. It will merit the consideration of Congress whether other provision not stipulated by treaty ought to be made for these tribes and for the advancement of the liberal and humane policy of the United States toward all the tribes within our limits, and more particularly for their improvement in the arts of civilized life.

Among the advantages incident to these purchases, and to those which have preceded, the security which may thereby be afforded to our inland

frontiers is peculiarly important. With a strong barrier, consisting of our own people, thus planted on the Lakes, the Mississippi, and the Mobile, with the protection to be derived from the regular force, Indian hostilities, if they do not altogether cease, will henceforth lose their terror. Fortifications in those quarters to any extent will not be necessary, and the expense attending them may be saved. A people accustomed to the use of firearms only, as the Indian tribes are, will shun even moderate works which are defended by cannon. Great fortifications will therefore be requisite only in future along the coast and at some points in the interior connected with it. On these will the safety of our towns and the commerce of our great rivers, from the Bay of Fundy to the Mississippi, depend. On these, therefore, should the utmost attention, skill, and labor be bestowed.

A considerable and rapid augmentation in the value of all the public lands, proceeding from these and other obvious causes, may henceforward be expected. The difficulties attending early emigrations will be dissipated even in the most remote parts. Several new States have been admitted into our Union to the west and south, and Territorial governments, happily organized, established over every other portion in which there is vacant land for sale. In terminating Indian hostilities, as must soon be done, in a formidable shape at least, the emigration, which has heretofore been great, will probably increase, and the demand for land and the augmentation in its value be in like proportion. The great increase of our population throughout the Union will alone produce an important effect, and in no quarter will it be so sensibly felt as in those in contemplation. The public lands are a public stock, which ought to be disposed of to the best advantage for the nation. The nation should therefore derive the profit proceeding from the continual rise in their value. Every encouragement should be given to the emigrants consistent with a fair competition between them, but that competition should operate in the first sale to the advantage of the nation rather than of individuals. Great capitalists will derive all the benefit incident to their superior wealth under any mode of sale which may be adopted. But if, looking forward to the rise in the value of the public lands, they should have the opportunity of amassing at a low price vast bodies in their hands, the profit will accrue to them and not to the public. They would also have the power in that degree to control the emigration and settlement in such a manner as their opinion of their respective interests might dictate. I submit this subject to the consideration of Congress, that such further provision may be made in the sale of the public lands, with a view to the public interest, should any be deemed expedient, as in their judgment may be best adapted to the object.

When we consider the vast extent of territory within the United States, the great amount and value of its productions, the connection of its parts, and other circumstances on which their prosperity and happiness depend,

we can not fail to entertain a high sense of the advantage to be derived from the facility which may be afforded in the intercourse between them by means of good roads and canals. Never did a country of such vast extent offer equal inducements to improvements of this kind, nor ever were consequences of such magnitude involved in them. As this subject was acted on by Congress at the last session, and there may be a disposition to revive it at the present, I have brought it into view for the purpose of communicating my sentiments on a very important circumstance connected with it with that freedom and candor which a regard for the public interest and a proper respect for Congress require. A difference of opinion has existed from the first formation of our Constitution to the present time among our most enlightened and virtuous citizens respecting the right of Congress to establish such a system of improvement. Taking into view the trust with which I am now honored, it would be improper after what has passed that this discussion should be revived with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance and a just sense of my duty required, and the result is a settled conviction in my mind that Congress do not possess the right. It is not contained in any of the specified powers granted to Congress, nor can I consider it incidental to or a necessary means, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result I can not resist the obligation which I feel to suggest to Congress the propriety of recommending to the States the adoption of an amendment to the Constitution which shall give to Congress the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of the power. We may confidently rely that if it appears to their satisfaction that the power is necessary, it will always be granted.

In this case I am happy to observe that experience has afforded the most ample proof of its utility, and that the benign spirit of conciliation and harmony which now manifests itself throughout our Union promises to such a recommendation the most prompt and favorable result. I think proper to suggest also, in case this measure is adopted, that it be recommended to the States to include in the amendment sought a right in Congress to institute likewise seminaries of learning, for the all-important purpose of diffusing knowledge among our fellow-citizens throughout the United States.

Our manufactories will require the continued attention of Congress. The capital employed in them is considerable, and the knowledge acquired in the machinery and fabric of all the most useful manufactures is of great value. Their preservation, which depends on due encouragement is connected with the high interests of the nation.

Although the progress of the public buildings has been as favorable as circumstances have permitted, it is to be regretted that the Capitol is not yet in a state to receive you. There is good cause to presume that the two wings, the only parts as yet commenced, will be prepared for that purpose at the next session. The time seems now to have arrived when this subject may be deemed worthy the attention of Congress on a scale adequate to national purposes. The completion of the middle building will be necessary to the convenient accommodation of Congress, of the committees, and various offices belonging to it. It is evident that the other public buildings are altogether insufficient for the accommodation of the several Executive Departments, some of whom are much crowded and even subjected to the necessity of obtaining it in private buildings at some distance from the head of the Department, and with inconvenience to the management of the public business. Most nations have taken an interest and a pride in the improvement and ornament of their metropolis, and none were more conspicuous in that respect than the ancient republics. The policy which dictated the establishment of a permanent residence for the National Government and the spirit in which it was commenced and has been prosecuted show that such improvement was thought worthy the attention of this nation. Its central position, between the northern and southern extremes of our Union, and its approach to the west at the head of a great navigable river which interlocks with the Western waters, prove the wisdom of the councils which established it.

Nothing appears to be more reasonable and proper than that convenient accommodation should be provided on a well-digested plan for the heads of the several Departments and for the Attorney-General, and it is believed that the public ground in the city applied to these objects will be found amply sufficient. I submit this subject to the consideration of Congress, that such further provision may be made in it as to them may seem proper.

In contemplating the happy situation of the United States, our attention is drawn with peculiar interest to the surviving officers and soldiers of our Revolutionary army, who so eminently contributed by their services to lay its foundation. Most of those very meritorious citizens have paid the debt of nature and gone to repose. It is believed that among the survivors there are some not provided for by existing laws, who are reduced to indigence and even to real distress. These men have a claim on the gratitude of their country, and it will do honor to their country to provide for them. The lapse of a few years more and the opportunity will be forever lost; indeed, so long already has been the interval that the number to be benefited by any provision which may be made will not be great.

It appearing in a satisfactory manner that the revenue arising from imposts and tonnage and from the sale of the public lands will be fully adequate to the support of the civil Government, of the present military

and naval establishments, including the annual augmentation of the latter to the extent provided for, to the payment of the interest of the public debt, and to the extinguishment of it at the times authorized, without the aid of the internal taxes, I consider it my duty to recommend to Congress their repeal. To impose taxes when the public exigencies require them is an obligation of the most sacred character, especially with a free people. The faithful fulfillment of it is among the highest proofs of their virtue and capacity for self-government. To dispense with taxes when it may be done with perfect safety is equally the duty of their representatives. In this instance we have the satisfaction to know that they were imposed when the demand was imperious, and have been sustained with exemplary fidelity. I have to add that however gratifying it may be to me regarding the prosperous and happy condition of our country to recommend the repeal of these taxes at this time, I shall nevertheless be attentive to events, and, should any future emergency occur, be not less prompt to suggest such measures and burdens as may then be requisite and proper.

JAMES MONROE.

DECEMBER 2, 1817.

SPECIAL MESSAGES.

To the Senate of the United States:

I submit to the Senate, for their consideration and advice, the following treaties entered into with several of the Indian tribes, to wit:

A treaty of peace and friendship made and concluded by William Clark, Ninian Edwards, and Auguste Choteau, commissioners on the part of the United States of America, and the chiefs and warriors of the Menomene tribe or nation of Indians, on the 30th of March, 1817, at St. Louis.

A treaty of peace and friendship made and concluded on the 4th June, 1817, at St. Louis, by William Clark, Ninian Edwards, and Auguste Choteau, commissioners on the part of the United States of America, and the chiefs and warriors of the Ottoes tribe of Indians.

A treaty of peace and friendship made and concluded on the 5th June, 1817, at St. Louis, by William Clark, Ninian Edwards, and Auguste Choteau, commissioners on the part of the United States of America, and the chiefs and warriors of the Poncarar tribe of Indians.

A treaty concluded at the Cherokee Agency on the 8th of July, 1817, between Major-General Andrew Jackson, Joseph McMinn, governor of the State of Tennessee, and General David Meriwether, commissioners of the United States of America, of the one part, and the chiefs, headmen, and warriors of the Cherokee Nation east of the Mississippi River

and the chiefs, headmen, and warriors of the Cherokees on the Arkansas River, and their deputies, John D. Chisholm and James Rogers.

A treaty concluded on the 29th day of September, 1817, at the foot of the Rapids of the Miami of Lake Erie, between Lewis Cass and Duncan McArthur, commissioners of the United States, and the sachems, chiefs, and warriors of the Wyandot, Seneca, Delaware, Shawnese, Potawatamies, Ottawas, and Chippewa tribes of Indians.

The Wyandots and other tribes parties to the treaty lately concluded with them have, by a deputation to this city, requested permission to retain possession of such lands as they actually cultivate and reside on, for the ensuing year. They have also expressed a desire that the reservations made in their favor should be enlarged, representing that they had entered into the treaty in full confidence that that would be done, preferring a reliance on the justice of the United States for such extension rather than that the treaty should fail.

The Wyandots claim an extension of their reservation to 16 miles square, and the other tribes in a proportional degree. Sufficient information is not now in the possession of the Executive to enable it to decide how far it may be proper to comply with the wishes of these tribes in the extent desired. The necessary information may be obtained in the course of the next year, and if they are permitted to remain in the possession of the lands they cultivate during that time such further extension of their reservations may be made by law at the next session as justice and a liberal policy toward these people may require. It is submitted to the consideration of the Senate whether it may not be proper to annex to their advice and consent for the ratification of the treaty a declaration providing for the above objects.

JAMES MONROE.

DECEMBER 11, 1817.

WASHINGTON, *December 15, 1817.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 8th of this month, I transmit, for the information of the House, a report from the Secretary of State, with the documents referred to in it, containing all the information in the possession of the Executive which it is proper to disclose, relative to certain persons who lately took possession of Amelia Island and Galvezton.

JAMES MONROE.

DECEMBER 18, 1817.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 11th of this month, I transmit, for the information of the Senate, a report from the

Secretary of the Treasury, relating to the progress made in surveying the several tracts of military bounty lands appropriated by Congress for the late army of the United States, and the time at which such survey will probably be completed.

JAMES MONROE.

DECEMBER 22, 1817.

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 11th of this month, requesting to be informed of the present strength of the Army of the United States, its distribution among the several military posts which it is designed to protect, and its competency to preserve and defend the fortifications amongst which it is distributed, and to aid in constructing such other military works, if any, as it may be deemed proper to erect for the more effectual security of the United States and of the Territories thereof, I now transmit a report from the Secretary of War which contains the information desired.

JAMES MONROE.

DECEMBER 29, 1817.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 16th of this month, requesting information touching the execution of so much of the first article of the treaty of Ghent as relates to the restitution of slaves, which has not heretofore been communicated, I now transmit a report of the Secretary of State on that subject.

JAMES MONROE.

DECEMBER 29, 1817.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 12th of this month, requesting to be informed whether any, and which, of the Representatives in a list thereto annexed have held offices since the 4th of March last, designating the offices, the times of appointment and acceptance, and whether they were at that time so held or when they had been resigned, I now transmit a report from the Secretary of State which contains the information desired.

JAMES MONROE.

WASHINGTON, *January 12, 1818.*

To the Senate and House of Representatives of the United States:

The claim of the representatives of the late Caron de Beaumarchais having been recommended to the favorable consideration of the Legisla-

ture by my predecessor in his message to Congress of the 31st of January last, and concurring in the sentiments therein expressed, I now transmit copies of a new representation relative to it received by the Secretary of State from the minister of France, and of a correspondence on the subject between the minister of the United States at Paris and the Duke of Richelieu, inclosed with that representation.

JAMES MONROE.

To the Senate and House of Representatives of the United States:

I have the satisfaction to inform Congress that the establishment at Amelia Island has been suppressed, and without the effusion of blood. The papers which explain this transaction I now lay before Congress.

By the suppression of this establishment and of that at Galveztown, which will soon follow, if it has not already ceased to exist, there is good cause to believe that the consummation of a project fraught with much injury to the United States has been prevented.

When we consider the persons engaged in it, being adventurers from different countries, with very few, if any, of the native inhabitants of the Spanish colonies; the territory on which the establishments were made—one on a portion of that claimed by the United States westward of the Mississippi, the other on a part of East Florida, a Province in negotiation between the United States and Spain; the claim of their leader as announced by his proclamation on taking possession of Amelia Island, comprising the whole of both the Floridas, without excepting that part of West Florida which is incorporated into the State of Louisiana; their conduct while in the possession of the island making it instrumental to every species of contraband, and, in regard to slaves, of the most odious and dangerous character, it may fairly be concluded that if the enterprise had succeeded on the scale on which it was formed much annoyance and injury would have resulted from it to the United States.

Other circumstances were thought to be no less deserving of attention. The institution of a government by foreign adventurers in the island, distinct from the colonial governments of Buenos Ayres, Venezuela, or Mexico, pretending to sovereignty and exercising its highest offices, particularly in granting commissions to privateers, were acts which could not fail to draw after them the most serious consequences. It was the duty of the Executive either to extend to this establishment all the advantages of that neutrality which the United States had proclaimed, and have observed in favor of the colonies of Spain who, by the strength of their own population and resources, had declared their independence and were affording strong proof of their ability to maintain it, or of making the discrimination which circumstances required.

Had the first course been pursued, we should not only have sanctioned all the unlawful claims and practices of this pretended Government in

regard to the United States, but have countenanced a system of privateering in the Gulf of Mexico and elsewhere the ill effects of which might, and probably would, have been deeply and very extensively felt.

The path of duty was plain from the commencement, but it was painful to enter upon it while the obligation could be resisted. The law of 1811, lately published, and which it is therefore proper now to mention, was considered applicable to the case from the moment that the proclamation of the chief of the enterprise was seen, and its obligation was daily increased by other considerations of high importance already mentioned, which were deemed sufficiently strong in themselves to dictate the course which has been pursued.

Early intimation having been received of the dangerous purposes of these adventurers, timely precautions were taken by the establishment of a force near the St. Marys to prevent their effect, or it is probable that it would have been more sensibly felt.

To such establishments, made so near to our settlements in the expectation of deriving aid from them, it is particularly gratifying to find that very little encouragement was given. The example so conspicuously displayed by our fellow-citizens that their sympathies can not be perverted to improper purposes, but that a love of country, the influence of moral principles, and a respect for the laws are predominant with them, is a sure pledge that all the very flattering anticipations which have been formed of the success of our institutions will be realized. This example has proved that if our relations with foreign powers are to be changed it must be done by the constituted authorities, who alone, acting on a high responsibility, are competent to the purpose, and until such change is thus made that our fellow-citizens will respect the existing relations by a faithful adherence to the laws which secure them.

Believing that this enterprise, though undertaken by persons some of whom may have held commissions from some of the colonies, was unauthorized by and unknown to the colonial governments, full confidence is entertained that it will be disclaimed by them, and that effectual measures will be taken to prevent the abuse of their authority in all cases to the injury of the United States.

For these injuries, especially those proceeding from Amelia Island, Spain would be responsible if it was not manifest that, though committed in the latter instance through her territory, she was utterly unable to prevent them. Her territory, however, ought not to be made instrumental, through her inability to defend it, to purposes so injurious to the United States. To a country over which she fails to maintain her authority, and which she permits to be converted to the annoyance of her neighbors, her jurisdiction for the time necessarily ceases to exist. The territory of Spain will nevertheless be respected so far as it may be done consistently with the essential interests and safety of the United States. In expelling these adventurers from these posts it was not intended to make any con-

quest from Spain or to injure in any degree the cause of the colonies. Care will be taken that no part of the territory contemplated by the law of 1811 shall be occupied by a foreign government of any kind, or that injuries of the nature of those complained of shall be repeated; but this, it is expected, will be provided for with every other interest in a spirit of amity in the negotiation now depending with the Government of Spain.

JAMES MONROE.

JANUARY 13, 1818.

WASHINGTON, *January 23, 1818.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 9th of December last, requesting information of what roads have been made or are in progress under the authority of the Executive of the United States, the States and Territories through which they pass or are intended to pass, the periods when they were ordered to be made, and how far they have been executed, I now communicate a report from the Secretary of the Treasury, and likewise a report from the Secretary of War, containing the information which is desired.

JAMES MONROE.

WASHINGTON, *January 28, 1818.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 22d of this month, requesting to be informed "in what manner the troops in the service of the United States now operating against the Seminole tribe of Indians have been subsisted, whether by contract or otherwise, and whether they have been furnished regularly with rations," I now transmit a report from the Secretary of War containing the information required.

JAMES MONROE.

WASHINGTON, *January 29, 1818.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 23d of December last, requesting information relative to the imprisonment and detention in confinement of Richard W. Meade, a citizen of the United States, I now transmit to the House a report from the Secretary of State containing the information required.

JAMES MONROE.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 8th of last month, requesting me to cause to be laid before it the proceedings which may have been had under an act entitled "An act for the gradual increase of

the Navy of the United States," specifying the number of ships put on the stocks and of what class; the quantity of materials procured for shipbuilding, and also the sums of money which may have been paid out of the fund created by said act, and for what objects; and likewise the contracts which may have been entered into in execution of the act aforesaid on which moneys may not yet have been advanced, I now transmit a report of the Secretary of the Navy, accompanied by a report from the Board of Commissioners of the Navy, with documents which contain the information desired.

JAMES MONROE.

FEBRUARY 2, 1818

WASHINGTON, *February 6, 1818.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of State, in compliance with the resolution of said House requesting information respecting the ratification of the thirteenth article of the amendments to the Constitution of the United States.

JAMES MONROE.

WASHINGTON, *February 10, 1818.*

To the Senate and House of Representatives of the United States:

As the house appropriated for the President of the United States will be finished this year, it is thought to merit the attention of the Congress in what manner it should be furnished and what measures ought to be adopted for the safe-keeping of the furniture in future. All the public furniture provided before 1814 having been destroyed with the public buildings in that year, and little afterwards procured, owing to the inadequacy of the appropriation, it has become necessary to provide almost every article requisite for such an establishment, whence the sum to be expended will be much greater than at any former period. The furniture in its kind and extent is thought to be an object not less deserving attention than the building for which it is intended. Both being national objects, each seems to have an equal claim to legislative sanction. The disbursement of the public money, too, ought, it is presumed, to be in like manner provided for by law. The person who may happen to be placed by the suffrage of his fellow-citizens in the high trust, having no personal interest in these concerns, should be exempted from undue responsibility respecting them.

For a building so extensive, intended for a purpose exclusively national, in which in the furniture provided for it a mingled regard is due to the simplicity and purity of our institutions and to the character of the people who are represented in it, the sum already appropriated has proved altogether inadequate. The present is therefore a proper time for Con-

gress to take the subject into consideration, with a view to all the objects claiming attention, and to regulate it by law. On a knowledge of the furniture procured and the sum expended for it a just estimate may be formed regarding the extent of the building of what will still be wanting to furnish the house. Many of the articles, being of a durable nature, may be handed down through a long series of service, and being of great value, such as plate, ought not to be left altogether and at all times to the care of servants alone. It seems to be advisable that a public agent should be charged with it during the occasional absences of the President, and have authority to transfer it from one President to another, and likewise to make reports of occasional deficiencies, as the basis on which further provision should be made.

It may also merit consideration whether it may not be proper to commit the care of the public buildings, particularly the President's house and the Capitol, with the grounds belonging to them, including likewise the furniture of the latter, in a more special manner to a public agent. Hitherto the charge of this valuable property seems to have been connected with the structure of the buildings and committed to those employed in it. This guard will necessarily cease when the buildings are finished, at which time the interest in them will be proportionably augmented. It is presumed that this trust is, in a certain degree at least, incidental to the other duties of the superintendent of the public buildings, but it may merit consideration whether it will not be proper to charge him with it more explicitly, and to give him authority to employ one or more persons under him for these purposes.

JAMES MONROE.

WASHINGTON, *February 12, 1818.*

To the Senate and House of Representatives:

I lay before the House of Representatives copies of two communications received at the Department of State from the minister of Great Britain, and submit to their consideration the propriety of making such legislative provisions as may be necessary for a compliance with the representations contained in them.

By the express terms of that compact it was, when ratified by the two Governments, to be in force for the term of four years *from the day of its signature*. The revocation of all the discriminating duties became, therefore, the obligation of both Governments *from that day*, and it is conceived that every individual who has been required to pay, and who has paid, any of the extra duties revoked by the convention has a just and lawful claim upon the respective Governments for its return. From various accidents it has happened that both here and in Great Britain the cessation of the extra duties has been fixed to commence at different times. It is desirable that Congress should pass an act providing for the return

of *all* the extra duties *incompatible with the terms of the convention* which have been levied upon British vessels or merchandise after the 3d of July, 1815. The British Parliament have already set the example of fixing that day for the cessation of the extra duties of export by their act of 30th of June last, and the minister of the United States in London is instructed to require the extension of the same principle to *all* the extra duties levied on vessels and merchandise of the United States in the ports of Great Britain since that day. It is not doubted that the British Government will comply with this requisition, and that the act suggested may be passed by Congress with full confidence that the reciprocal measure will receive the sanction of the British Parliament.

JAMES MONROE.

WASHINGTON, *February 23, 1818.*

To the Senate of the United States:

In compliance with a resolution of the Senate requesting me to cause to be laid before them a statement of all the arms and accouterments which have been manufactured at the different armories of the United States, with the cost of each stand, and the number delivered to each State, respectively, under the act for arming the whole body of militia, I now transmit a report from the Secretary of War, with the documents marked A, B, and C, which, together with a report to him from the Ordnance Department, contains the information required.

JAMES MONROE.

WASHINGTON, *February 23, 1818.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 19th of January, 1818, requesting information of measures which have been taken in pursuance of so much of the act to authorize the appointment of a surveyor for lands in the northern part of the Mississippi Territory, passed the 3d of March, 1817, as relates to the reservation of certain sections for the purpose of laying out and establishing towns thereon, I now transmit a report from the Secretary of the Treasury, which, with the letters and charts referred to in it, contains all the information which is desired.

JAMES MONROE.

WASHINGTON, *February 25, 1818.*

To the Senate and House of Representatives of the United States:

The commissioners of the two Governments, under the fourth article of the treaty of Ghent, having come to a decision upon the questions submitted to them, I lay before Congress copies of that decision, together with copies of the declaration signed and reported by the commissioners of this Government.

JAMES MONROE.

FEBRUARY 27, 1818.

To the House of Representatives of the United States:

I communicate herewith to the House of Representatives a copy of a letter from the governor of the State of South Carolina to the Secretary of State, together with extracts from the journals of proceedings in both branches of the legislature of that Commonwealth, relative to a proposed amendment of the Constitution, which letter and extracts are connected with the subject of my communication to the House of the 6th instant.

JAMES MONROE.

WASHINGTON, *February 28, 1818.*

To the House of Representatives of the United States:

I lay before the House a report from the Secretary of State, together with the papers relating to the claims of merchants of the United States upon the Government of Naples, in conformity with the resolution of the House of the 30th January last.

JAMES MONROE.

WASHINGTON, *March 11, 1818.*

To the Senate of the United States:

In compliance with a resolution of the Senate requesting information respecting the requisitions that were made on the contractors between the 1st of June and the 24th of December, 1817, for deposits of provisions in advance at the several posts on the frontiers of Georgia and the adjoining territory, their conduct in compliance therewith, the amount of money advanced to B. G. Orr, and the extent of his failure, with a copy of the articles of contract entered into with him, I now lay before the Senate a report from the Secretary of War, which, with the documents accompanying it, will afford the information desired.

JAMES MONROE.

WASHINGTON, *March 14, 1818.*

To the Senate and House of Representatives of the United States:

In compliance with a resolution of the Senate of the 16th of December and of the House of Representatives of the 24th of February last, I lay before Congress a report of the Secretary of State, and the papers referred to in it, respecting the negotiation with the Government of Spain. To explain fully the nature of the differences between the United States and Spain and the conduct of the parties it has been found necessary to go back to an early epoch. The recent correspondence, with the documents accompanying it, will give a full view of the whole subject, and place the conduct of the United States in every stage and under every circumstance, for justice, moderation, and a firm adherence to their rights, on the high and honorable ground which it has invariably sustained.

JAMES MONROE.

WASHINGTON, *March 16, 1818.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the United States of the 31st of December last, requesting the President to cause to be laid before them a statement of the proceedings which may have been had under the act of Congress passed on the 3d March, 1817, entitled "An act to set apart and dispose of certain public lands for the encouragement and cultivation of the vine and olive," I now transmit a report from the Secretary of the Treasury, containing all the information possessed by the Executive relating to the proceedings under the said act.

JAMES MONROE.

WASHINGTON, *March 16, 1818.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the United States of the 3d of February last, requesting the President to cause to be laid before them "a statement of the progress made under the act to provide for surveying the coast of the United States, passed February 10, 1807, and any subsequent acts on the same subject, and the expenses incurred thereby," I transmit a report from the Secretary of the Treasury containing the information required.

JAMES MONROE.

MARCH 19, 1818.

To the Senate and House of Representatives of the United States:

In the course of the last summer a negotiation was commenced with the Government of the Netherlands with a view to the revival and modification of the commercial treaty existing between the two countries, adapted to their present circumstances.

The report from the Secretary of State which I now lay before Congress will show the obstacles which arose in the progress of the conferences between the respective plenipotentiaries, and which resulted in the agreement between them then to refer the subject to the consideration of their respective Governments. As the difficulties appear to be of a nature which may, perhaps, for the present be more easily removed by reciprocal legislative regulations, formed in the spirit of amity and conciliation, than by conventional stipulations, Congress may think it advisable to leave the subsisting treaty in its present state, and to meet the liberal exemption from discriminating tonnage duties which has been conceded in the Netherlands to the vessels of the United States by a similar exemption to the vessels of the Netherlands which have arrived, or may hereafter arrive, in our ports, commencing from the time when the exemption was granted to the vessels of the United States. I would further recommend to the consideration of Congress the expediency of extending the

benefit of the same regulation, to commence from the passage of the law, to the vessels of Russia, Hamburg, and Bremen, and of making it prospectively general in favor of every nation in whose ports the vessels of the United States are admitted on the same footing as their own.

JAMES MONROE.

WASHINGTON, *March 23, 1818.*

To the Senate of the United States:

I lay before the Senate a report from the Secretary of the Navy, with the estimate of the expense which will be incurred by the establishment of two dockyards for repairing vessels of the largest size.

JAMES MONROE.

WASHINGTON, *March 25, 1818.*

To the Senate and House of Representatives of the United States:

I now lay before Congress all the information in the possession of the Executive respecting the war with the Seminoles, and the measures which it has been thought proper to adopt for the safety of our fellow-citizens on the frontier exposed to their ravages. The inclosed documents show that the hostilities of this tribe were unprovoked, the offspring of a spirit long cherished and often manifested toward the United States, and that in the present instance it was extending itself to other tribes and daily assuming a more serious aspect. As soon as the nature and object of this combination were perceived the major-general commanding the Southern division of the troops of the United States was ordered to the theater of action, charged with the management of the war and vested with the powers necessary to give it effect. The season of the year being unfavorable to active operations, and the recesses of the country affording shelter to these savages in case of retreat, may prevent a prompt termination of the war; but it may be fairly presumed that it will not be long before this tribe and its associates receive the punishment which they have provoked and justly merited.

As almost the whole of this tribe inhabits the country within the limits of Florida, Spain was bound by the treaty of 1795 to restrain them from committing hostilities against the United States. We have seen with regret that her Government has altogether failed to fulfill this obligation, nor are we aware that it made any effort to that effect. When we consider her utter inability to check, even in the slightest degree, the movements of this tribe by her very small and incompetent force in Florida, we are not disposed to ascribe the failure to any other cause. The inability, however, of Spain to maintain her authority over the territory and Indians within her limits, and in consequence to fulfill the treaty, ought not to expose the United States to other and greater injuries. When the authority of Spain ceases to exist there, the United States have a right to

pursue their enemy on a principle of self-defense. In this instance the right is more complete and obvious because we shall perform only what Spain was bound to have performed herself. To the high obligations and privileges of this great and sacred right of self-defense will the movement of our troops be strictly confined. Orders have been given to the general in command not to enter Florida unless it be in pursuit of the enemy, and in that case to respect the Spanish authority wherever it is maintained; and he will be instructed to withdraw his forces from the Province as soon as he shall have reduced that tribe to order, and secure our fellow-citizens in that quarter by satisfactory arrangements against its unprovoked and savage hostilities in future.

JAMES MONROE.

WASHINGTON, *March 25, 1818.*

To the House of Representatives of the United States:

In conformity with the resolution of the House of Representatives of the 5th of December last, I now transmit a report of the Secretary of State, with a copy of the documents which it is thought proper to communicate relating to the independence and political condition of the Provinces of Spanish America.

JAMES MONROE.

WASHINGTON, *March 26, 1818.*

To the House of Representatives of the United States:

I transmit to the House of Representatives, in compliance with their resolution of March 20, such information not heretofore communicated as is in the possession of the Executive relating to the occupation of Amelia Island. If any doubt had before existed of the improper conduct of the persons who authorized and of those who were engaged in the invasion and previous occupancy of that island, of the unfriendly spirit toward the United States with which it was commenced and prosecuted, and of its injurious effect on their highest interests, particularly by its tendency to compromit them with foreign powers in all the unwarrantable acts of the adventurers, it is presumed that these documents would remove it. It appears by the letter of Mr. Pazos, agent of Commodore Aury, that the project of seizing the Floridas was formed and executed at a time when it was understood that Spain had resolved to cede them to the United States, and to prevent such cession from taking effect. The whole proceeding in every stage and circumstance was unlawful. The commission to General M'Gregor was granted at Philadelphia in direct violation of a positive law, and all the measures pursued under it by him in collecting his force and directing its movements were equally unlawful. With the conduct of these persons I have always been unwilling to connect any of the colonial governments, because I never could believe that they had

given their sanction either to the project in its origin or to the measures which were pursued in the execution of it. These documents confirm the opinion which I have invariably entertained and expressed in their favor.

JAMES MONROE.

WASHINGTON, *March 28, 1818.*

To the Senate of the United States:

In compliance with a resolution of the Senate relative to the pensioners of the United States, the sum annually paid to each, and the States or Territories in which said pensioners are respectively paid, I now transmit a report from the Secretary of War, which, with documents marked A and B, contains all the information required.

JAMES MONROE.

APRIL 6, 1818.

To the Senate of the United States:

An arrangement having been made and concluded between this Government and that of Great Britain with respect to the naval armament of the two Governments, respectively, on the Lakes, I lay before the Senate a copy of the correspondence upon that subject, including the stipulations mutually agreed upon by the two parties. I submit it to the consideration of the Senate whether this is such an arrangement as the Executive is competent to enter into by the powers vested in it by the Constitution, or is such an one as requires the advice and consent of the Senate, and, in the latter case, for their advice and consent should it be approved.

JAMES MONROE.

WASHINGTON, *April 9, 1818.*

To the Senate of the United States:

In compliance with the resolution of the Senate requesting me to cause to be laid before them a list of the names of the several agents of Indian affairs and of agents of Indian trading houses, with the pay and emolument of the agents, respectively, I now transmit a report from the Secretary of War, which contains the information required.

JAMES MONROE.

APRIL 10, 1818.

To the Senate of the United States:

In compliance with a resolution of the Senate respecting the supplies of the Northwestern army, within certain periods therein specified, by contractors, commissaries, and agents, and the expense thereby incurred, I now transmit to them a report from the Secretary of War, which, with the documents accompanying it, will afford the information required.

JAMES MONROE.

WASHINGTON, *April 15, 1818.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 10th instant, relative to the capture and imprisonment of certain persons, citizens of the United States, therein specifically mentioned, I now transmit a report from the Secretary of State, which, with the documents accompanying it, embraces the objects contemplated by the said resolution.

JAMES MONROE.

WASHINGTON, *April 20, 1818.*

To the Senate of the United States:

I transmit to the Senate a copy of the rules, regulations, and instructions for the naval service of the United States, prepared by the Board of Navy Commissioners in obedience to an act of Congress passed 7th of February, 1815, entitled "An act to alter and amend the several acts for establishing a Navy Department by adding thereto a Board of Commissioners."

JAMES MONROE.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the lieutenant-governor, council, and assembly of His Britannic Majesty's Province of Nova Scotia, passed in the year 1816, it was, among other things, enacted that from and after the 1st day of May of that year "no plaster of paris, otherwise called gypsum, which should be laden or put on board any ship or vessel at any port or place within the limits of the said Province to be transported from thence to any other port or place within or without the said limits should, directly or indirectly, be unladen or landed or put on shore at any port or place in the United States of America eastward of Boston, in the State of Massachusetts, nor unladen or put on board any American ship, vessel, boat, or shallop of any description at any port or place eastward of Boston aforesaid, under the penalty of the forfeiture of every such ship or vessel from which any such plaster of paris, or gypsum, should be unladen contrary to the provision of the said act, together with her boats, tackle, apparel, and furniture, to be seized and prosecuted in the manner thereinafter mentioned;" and

Whereas by an act of the Congress of the United States passed on the

3d day of March, 1817, it was enacted that from and after the 4th day of July then next no plaster of paris the production of any country or its dependencies from which the vessels of the United States were not permitted to bring the same article should be imported into the United States in any foreign vessel, and that all plaster of paris imported or attempted to be imported into the United States contrary to the true intent and meaning of the said act of Congress, and the vessel in which the same might be imported or attempted to be imported, together with the cargo, tackle, apparel, and furniture, should be forfeited to the United States and liable to be seized, prosecuted, and condemned in the manner therein prescribed; and

Whereas by the said act of Congress it was further enacted that the same should continue and be in force five years from January 31, 1817; provided, nevertheless, that if any foreign nation or its dependencies which at the time of the passage of the said act of Congress had in force regulations on the subject of the trade in plaster of paris prohibiting the exportation thereof to certain ports of the United States should discontinue such regulations, the President of the United States was thereby authorized to declare that fact by his proclamation, and the restrictions imposed by the said act of Congress should from the date of such proclamation cease and be discontinued in relation to the nation or its dependencies discontinuing such regulations; and

Whereas an act of the lieutenant-governor, council, and assembly of His Britannic Majesty's Province of Nova Scotia, repealing the abovementioned act of the said Province, passed in the year 1816, has been officially communicated by his said Majesty's envoy extraordinary and minister plenipotentiary to this Government; and

Whereas by the said repealing act of the said Province of Nova Scotia, one of the dependencies of the United Kingdom of Great Britain and Ireland, the regulations at the time of the passage of the said act of Congress in force in the said Province on the subject of the trade in plaster of paris, prohibiting the exportation thereof to certain ports of the United States, have been and are discontinued:

Now, therefore, I, James Monroe, President of the United States of America, do by this my proclamation declare that fact, and that the restrictions imposed by the said act of Congress do from the date hereof cease and are discontinued in relation to His Britannic Majesty's said Province of Nova Scotia.

Given under my hand, at the city of Washington, this 23d day of April, A. D. 1818, and in the forty-second year of the Independence of the United States.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas an arrangement was entered into at the city of Washington in the month of April, A. D. 1817, between Richard Rush, esq., at that time acting as Secretary for the Department of State of the United States, for and in behalf of the Government of the United States, and the Right Honorable Charles Bagot, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, for and in behalf of His Britannic Majesty, which arrangement is in the words following, to wit:

The naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side; that is—

On Lake Ontario, to one vessel not exceeding 100 tons burden and armed with one 18-pound cannon.

On the upper lakes, to two vessels not exceeding like burden each and armed with like force.

On the waters of Lake Champlain, to one vessel not exceeding like burden and armed with like force.

All other armed vessels on these lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

If either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The naval force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

And whereas the Senate of the United States have approved of the said arrangement and recommended that it should be carried into effect, the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty:

Now, therefore, I, James Monroe, President of the United States, do by this my proclamation make known and declare that the arrangement aforesaid and every stipulation thereof has been duly entered into, concluded, and confirmed, and is of full force and effect.

Given under my hand, at the city of Washington, this 28th day of April, A. D. 1818, and of the Independence of the United States the forty-second. JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas it appears by a proclamation of the lieutenant-governor of His Britannic Majesty's Province of New Brunswick bearing date the 10th day of April last, and officially communicated by his envoy extraor-

dinary and minister plenipotentiary residing in the United States to this Government, that the regulations on the subject of the trade in plaster of paris, prohibiting the exportation thereof to certain ports of the United States, which were in force in the said Province at the time of the enactment of the act of the Congress of the United States entitled "An act to regulate the trade in plaster of paris," passed on the 3d day of March, 1817, have been and are discontinued:

Now, therefore, I, James Monroe, President of the United States, do hereby declare that fact, and that the restrictions imposed by the said act of Congress shall from the date hereof cease and be discontinued in relation to the said Province of New Brunswick.

Given under my hand, at the city of Washington, this 4th day of July, A. D. 1818, and in the forty-third year of the Independence of the United States.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 3d of March, 1815, so much of the several acts imposing duties on the ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States and between goods imported into the United States in foreign vessels and vessels of the United States were repealed so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong, such repeal to take effect in favor of any foreign nation whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation so far as they operate to the disadvantage of the United States have been abolished; and

Whereas satisfactory proof has been received by me from the burgomasters and senators of the free and Hanseatic city of Bremen that from and after the 12th day of May, 1815, all discriminating or countervailing duties of the said city so far as they operated to the disadvantage of the United States have been and are abolished:

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between vessels of the free and Hanseatic city of Bremen and vessels of the United States and between goods

imported into the United States in vessels of Bremen and vessels of the United States are repealed so far as the same respect the produce or manufacture of the said free Hanseatic city of Bremen.

Given under my hand, at the city of Washington, this 24th day of July, A. D. 1818, and the forty-third year of the Independence of the United States. JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 3d of March, 1815, so much of the several acts imposing duties on the ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States and between goods imported into the United States in foreign vessels and vessels of the United States were repealed so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong, such repeal to take effect in favor of any foreign nation whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation so far as they operate to the disadvantage of the United States have been abolished; and

Whereas satisfactory proof has been received by me from the burgomasters and senators of the free and Hanseatic city of Hamburg that from and after the 13th day of November, 1815, all discriminating and countervailing duties of the said city so far as they operated to the disadvantage of the United States have been and are abolished:

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between vessels of the free and Hanseatic city of Hamburg and vessels of the United States and between goods imported into the United States in vessels of Hamburg and vessels of the United States are repealed so far as the same respect the produce or manufacture of the said free Hanseatic city of Hamburg.

Given under my hand, at the city of Washington, this 1st day of August, A. D. 1818, and the forty-third year of the Independence of the United States. JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

SECOND ANNUAL MESSAGE.

NOVEMBER 16, 1818.

Fellow-Citizens of the Senate and of the House of Representatives:

The auspicious circumstances under which you will commence the duties of the present session will lighten the burdens inseparable from the high trust committed to you. The fruits of the earth have been unusually abundant, commerce has flourished, the revenue has exceeded the most favorable anticipation, and peace and amity are preserved with foreign nations on conditions just and honorable to our country. For these inestimable blessings we can not but be grateful to that Providence which watches over the destiny of nations.

As the term limited for the operation of the commercial convention with Great Britain will expire early in the month of July next, and it was deemed important that there should be no interval during which that portion of our commerce which was provided for by that convention should not be regulated, either by arrangement between the two Governments or by the authority of Congress, the minister of the United States at London was instructed early in the last summer to invite the attention of the British Government to the subject, with a view to that object. He was instructed to propose also that the negotiation which it was wished to open might extend to the general commerce of the two countries, and to every other interest and unsettled difference between them, particularly those relating to impressment, the fisheries, and boundaries, in the hope that an arrangement might be made on principles of reciprocal advantage which might comprehend and provide in a satisfactory manner for all these high concerns. I have the satisfaction to state that the proposal was received by the British Government in the spirit which prompted it, and that a negotiation has been opened at London embracing all these objects. On full consideration of the great extent and magnitude of the trust it was thought proper to commit it to not less than two of our distinguished citizens, and in consequence the envoy extraordinary and minister plenipotentiary of the United States at Paris has been associated with our envoy extraordinary and minister plenipotentiary at London, to both of whom corresponding instructions have been given, and they are now engaged in the discharge of its duties. It is proper to add that to prevent any inconvenience resulting from the delay incident to a negotiation on so many important subjects it was agreed before entering on it that the existing convention should be continued for a term not less than eight years.

Our relations with Spain remain nearly in the state in which they were at the close of the last session. The convention of 1802, providing for the adjustment of a certain portion of the claims of our citizens for injuries sustained by spoliation, and so long suspended by the Spanish

Government, has at length been ratified by it, but no arrangement has yet been made for the payment of another portion of like claims, not less extensive or well founded, or for other classes of claims, or for the settlement of boundaries. These subjects have again been brought under consideration in both countries, but no agreement has been entered into respecting them. In the meantime events have occurred which clearly prove the ill effect of the policy which that Government has so long pursued on the friendly relations of the two countries, which it is presumed is at least of as much importance to Spain as to the United States to maintain. A state of things has existed in the Floridas the tendency of which has been obvious to all who have paid the slightest attention to the progress of affairs in that quarter. Throughout the whole of those Provinces to which the Spanish title extends the Government of Spain has scarcely been felt. Its authority has been confined almost exclusively to the walls of Pensacola and St. Augustine, within which only small garrisons have been maintained. Adventurers from every country, fugitives from justice, and absconding slaves have found an asylum there. Several tribes of Indians, strong in the number of their warriors, remarkable for their ferocity, and whose settlements extend to our limits, inhabit those Provinces. These different hordes of people, connected together, disregarding on the one side the authority of Spain, and protected on the other by an imaginary line which separates Florida from the United States, have violated our laws prohibiting the introduction of slaves, have practiced various frauds on our revenue, and committed every kind of outrage on our peaceable citizens which their proximity to us enabled them to perpetrate. The invasion of Amelia Island last year by a small band of adventurers, not exceeding 150 in number, who wrested it from the inconsiderable Spanish force stationed there, and held it several months, during which a single feeble effort only was made to recover it, which failed, clearly proves how completely extinct the Spanish authority had become, as the conduct of those adventurers while in possession of the island as distinctly shows the pernicious purposes for which their combination had been formed.

This country had, in fact, become the theater of every species of lawless adventure. With little population of its own, the Spanish authority almost extinct, and the colonial governments in a state of revolution, having no pretension to it, and sufficiently employed in their own concerns, it was in a great measure derelict, and the object of cupidity to every adventurer. A system of buccaneering was rapidly organizing over it which menaced in its consequences the lawful commerce of every nation, and particularly of the United States, while it presented a temptation to every people, on whose seduction its success principally depended. In regard to the United States, the pernicious effect of this unlawful combination was not confined to the ocean; the Indian tribes have constituted the effective force in Florida. With these tribes these adventurers had formed at an

early period a connection with a view to avail themselves of that force to promote their own projects of accumulation and aggrandizement. It is to the interference of some of these adventurers, in misrepresenting the claims and titles of the Indians to land and in practicing on their savage propensities, that the Seminole war is principally to be traced. Men who thus connect themselves with savage communities and stimulate them to war, which is always attended on their part with acts of barbarity the most shocking, deserve to be viewed in a worse light than the savages. They would certainly have no claim to an immunity from the punishment which, according to the rules of warfare practiced by the savages, might justly be inflicted on the savages themselves.

If the embarrassments of Spain prevented her from making an indemnity to our citizens for so long a time from her treasury for their losses by spoliation and otherwise, it was always in her power to have provided it by the cession of this territory. Of this her Government has been repeatedly apprised, and the cession was the more to have been anticipated as Spain must have known that in ceding it she would in effect cede what had become of little value to her, and would likewise relieve herself from the important obligation secured by the treaty of 1795 and all other compromitments respecting it. If the United States, from consideration of these embarrassments, declined pressing their claims in a spirit of hostility, the motive ought at least to have been duly appreciated by the Government of Spain. It is well known to her Government that other powers have made to the United States an indemnity for like losses sustained by their citizens at the same epoch.

There is nevertheless a limit beyond which this spirit of amity and forbearance can in no instance be justified. If it was proper to rely on amicable negotiation for an indemnity for losses, it would not have been so to have permitted the inability of Spain to fulfill her engagements and to sustain her authority in the Floridas to be perverted by foreign adventurers and savages to purposes so destructive to the lives of our fellow-citizens and the highest interests of the United States. The right of self-defense never ceases. It is among the most sacred, and alike necessary to nations and to individuals, and whether the attack be made by Spain herself or by those who abuse her power, its obligation is not the less strong. The invaders of Amelia Island had assumed a popular and respected title under which they might approach and wound us. As their object was distinctly seen, and the duty imposed on the Executive by an existing law was profoundly felt, that mask was not permitted to protect them. It was thought incumbent on the United States to suppress the establishment, and it was accordingly done. The combination in Florida for the unlawful purposes stated, the acts perpetrated by that combination, and, above all, the incitement of the Indians to massacre our fellow-citizens of every age and of both sexes, merited a like treatment and received it. In pursuing these savages to an imaginary line in the woods

it would have been the height of folly to have suffered that line to protect them. Had that been done the war could never cease. Even if the territory had been exclusively that of Spain and her power complete over it, we had a right by the law of nations to follow the enemy on it and to subdue him there. But the territory belonged, in a certain sense at least, to the savage enemy who inhabited it; the power of Spain had ceased to exist over it, and protection was sought under her title by those who had committed on our citizens hostilities which she was bound by treaty to have prevented, but had not the power to prevent. To have stopped at that line would have given new encouragement to these savages and new vigor to the whole combination existing there in the prosecution of all its pernicious purposes.

In suppressing the establishment at Amelia Island no unfriendliness was manifested toward Spain, because the post was taken from a force which had wrested it from her. The measure, it is true, was not adopted in concert with the Spanish Government or those in authority under it, because in transactions connected with the war in which Spain and the colonies are engaged it was thought proper in doing justice to the United States to maintain a strict impartiality toward both the belligerent parties without consulting or acting in concert with either. It gives me pleasure to state that the Governments of Buenos Ayres and Venezuela, whose names were assumed, have explicitly disclaimed all participation in those measures, and even the knowledge of them until communicated by this Government, and have also expressed their satisfaction that a course of proceedings had been suppressed which if justly imputable to them would dishonor their cause.

In authorizing Major-General Jackson to enter Florida in pursuit of the Seminoles care was taken not to encroach on the rights of Spain. I regret to have to add that in executing this order facts were disclosed respecting the conduct of the officers of Spain in authority there in encouraging the war, furnishing munitions of war and other supplies to carry it on, and in other acts not less marked which evinced their participation in the hostile purposes of that combination and justified the confidence with which it inspired the savages that by those officers they would be protected. A conduct so incompatible with the friendly relations existing between the two countries, particularly with the positive obligation of the fifth article of the treaty of 1795, by which Spain was bound to restrain, even by force, those savages from acts of hostility against the United States, could not fail to excite surprise. The commanding general was convinced that he should fail in his object, that he should in effect accomplish nothing, if he did not deprive those savages of the resource on which they had calculated and of the protection on which they had relied in making the war. As all the documents relating to this occurrence will be laid before Congress, it is not necessary to enter into further detail respecting it.

Although the reasons which induced Major-General Jackson to take these posts were duly appreciated, there was nevertheless no hesitation in deciding on the course which it became the Government to pursue. As there was reason to believe that the commanders of these posts had violated their instructions, there was no disposition to impute to their Government a conduct so unprovoked and hostile. An order was in consequence issued to the general in command there to deliver the posts—Pensacola unconditionally to any person duly authorized to receive it, and St. Marks, which is in the heart of the Indian country, on the arrival of a competent force to defend it against those savages and their associates.

In entering Florida to suppress this combination no idea was entertained of hostility to Spain, and however justifiable the commanding general was, in consequence of the misconduct of the Spanish officers, in entering St. Marks and Pensacola to terminate it by proving to the savages and their associates that they should not be protected even there, yet the amicable relations existing between the United States and Spain could not be altered by that act alone. By ordering the restitution of the posts those relations were preserved. To a change of them the power of the Executive is deemed incompetent; it is vested in Congress only.

By this measure, so promptly taken, due respect was shown to the Government of Spain. The misconduct of her officers has not been imputed to her. She was enabled to review with candor her relations with the United States and her own situation, particularly in respect to the territory in question, with the dangers inseparable from it, and regarding the losses we have sustained for which indemnity has been so long withheld, and the injuries we have suffered through that territory, and her means of redress, she was likewise enabled to take with honor the course best calculated to do justice to the United States and to promote her own welfare.

Copies of the instructions to the commanding general, of his correspondence with the Secretary of War, explaining his motives and justifying his conduct, with a copy of the proceedings of the courts-martial in the trial of Arbuthnot and Ambristie, and of the correspondence between the Secretary of State and the minister plenipotentiary of Spain near this Government, and of the minister plenipotentiary of the United States at Madrid with the Government of Spain, will be laid before Congress.

The civil war which has so long prevailed between Spain and the Provinces in South America still continues, without any prospect of its speedy termination. The information respecting the condition of those countries which has been collected by the commissioners recently returned from thence will be laid before Congress in copies of their reports, with such other information as has been received from other agents of the United States.

It appears from these communications that the Government at Buenos Ayres declared itself independent in July, 1816, having previously exercised the power of an independent government, though in the name of the

King of Spain, from the year 1810; that the Banda Oriental, Entre Rios, and Paraguay, with the city of Santa Fee, all of which are also independent, are unconnected with the present Government of Buenos Ayres; that Chili has declared itself independent and is closely connected with Buenos Ayres; that Venezuela has also declared itself independent, and now maintains the conflict with various success; and that the remaining parts of South America, except Monte Video and such other portions of the eastern bank of the La Plata as are held by Portugal, are still in the possession of Spain or in a certain degree under her influence.

By a circular note addressed by the ministers of Spain to the allied powers, with whom they are respectively accredited, it appears that the allies have undertaken to mediate between Spain and the South American Provinces, and that the manner and extent of their interposition would be settled by a congress which was to have met at Aix-la-Chapelle in September last. From the general policy and course of proceeding observed by the allied powers in regard to this contest it is inferred that they will confine their interposition to the expression of their sentiments, abstaining from the application of force. I state this impression that force will not be applied with the greater satisfaction because it is a course more consistent with justice and likewise authorizes a hope that the calamities of the war will be confined to the parties only, and will be of shorter duration.

From the view taken of this subject, founded on all the information that we have been able to obtain, there is good cause to be satisfied with the course heretofore pursued by the United States in regard to this contest, and to conclude that it is proper to adhere to it, especially in the present state of affairs.

I have great satisfaction in stating that our relations with France, Russia, and other powers continue on the most friendly basis.

In our domestic concerns we have ample cause of satisfaction. The receipts into the Treasury during the three first quarters of the year have exceeded $17,000,000.

After satisfying all the demands which have been made under existing appropriations, including the final extinction of the old 6 per cent stock and the redemption of a moiety of the Louisiana debt, it is estimated that there will remain in the Treasury on the 1st day of January next more than $2,000,000.

It is ascertained that the gross revenue which has accrued from the customs during the same period amounts to $21,000,000, and that the revenue of the whole year may be estimated at not less than $26,000,000. The sale of the public lands during the year has also greatly exceeded, both in quantity and price, that of any former year, and there is just reason to expect a progressive improvement in that source of revenue.

It is gratifying to know that although the annual expenditure has been increased by the act of the last session of Congress providing for Revolu-

tionary pensions to an amount about equal to the proceeds of the internal duties which were then repealed, the revenue for the ensuing year will be proportionally augmented, and that whilst the public expenditure will probably remain stationary, each successive year will add to the national resources by the ordinary increase of our population and by the gradual development of our latent sources of national prosperity.

The strict execution of the revenue laws, resulting principally from the salutary provisions of the act of the 20th of April last amending the several collection laws, has, it is presumed, secured to domestic manufactures all the relief that can be derived from the duties which have been imposed upon foreign merchandise for their protection. Under the influence of this relief several branches of this important national interest have assumed greater activity, and although it is hoped that others will gradually revive and ultimately triumph over every obstacle, yet the expediency of granting further protection is submitted to your consideration.

The measures of defense authorized by existing laws have been pursued with the zeal and activity due to so important an object, and with all the dispatch practicable in so extensive and great an undertaking. The survey of our maritime and inland frontiers has been continued, and at the points where it was decided to erect fortifications the work has been commenced, and in some instances considerable progress has been made. In compliance with resolutions of the last session, the Board of Commissioners were directed to examine in a particular manner the parts of the coast therein designated and to report their opinion of the most suitable sites for two naval depots. This work is in a train of execution. The opinion of the Board on this subject, with a plan of all the works necessary to a general system of defense so far as it has been formed, will be laid before Congress in a report from the proper department as soon as it can be prepared.

In conformity with the appropriations of the last session, treaties have been formed with the Quapaw tribe of Indians, inhabiting the country on the Arkansaw, and with the Great and Little Osages north of the White River; with the tribes in the State of Indiana; with the several tribes within the State of Ohio and the Michigan Territory, and with the Chickasaws, by which very extensive cessions of territory have been made to the United States. Negotiations are now depending with the tribes in the Illinois Territory and with the Choctaws, by which it is expected that other extensive cessions will be made. I take great interest in stating that the cessions already made, which are considered so important to the United States, have been obtained on conditions very satisfactory to the Indians.

With a view to the security of our inland frontiers, it has been thought expedient to establish strong posts at the mouth of Yellow Stone River and at the Mandan village on the Missouri, and at the mouth of St. Peters on the Mississippi, at no great distance from our northern boundaries. It

can hardly be presumed while such posts are maintained in the rear of the Indian tribes that they will venture to attack our peaceable inhabitants. A strong hope is entertained that this measure will likewise be productive of much good to the tribes themselves, especially in promoting the great object of their civilization. Experience has clearly demonstrated that independent savage communities can not long exist within the limits of a civilized population. The progress of the latter has almost invariably terminated in the extinction of the former, especially of the tribes belonging to our portion of this hemisphere, among whom loftiness of sentiment and gallantry in action have been conspicuous. To civilize them, and even to prevent their extinction, it seems to be indispensable that their independence as communities should cease, and that the control of the United States over them should be complete and undisputed. The hunter state will then be more easily abandoned, and recourse will be had to the acquisition and culture of land and to other pursuits tending to dissolve the ties which connect them together as a savage community and to give a new character to every individual. I present this subject to the consideration of Congress on the presumption that it may be found expedient and practicable to adopt some benevolent provisions, having these objects in view, relative to the tribes within our settlements.

It has been necessary during the present year to maintain a strong naval force in the Mediterranean and in the Gulf of Mexico, and to send some public ships along the southern coast and to the Pacific Ocean. By these means amicable relations with the Barbary Powers have been preserved, our commerce has been protected, and our rights respected. The augmentation of our Navy is advancing with a steady progress toward the limit contemplated by law.

I communicate with great satisfaction the accession of another State (Illinois) to our Union, because I perceive from the proof afforded by the additions already made the regular progress and sure consummation of a policy of which history affords no example, and of which the good effect can not be too highly estimated. By extending our Government on the principles of our Constitution over the vast territory within our limits, on the Lakes and the Mississippi and its numerous streams, new life and vigor are infused into every part of our system. By increasing the number of the States the confidence of the State governments in their own security is increased and their jealousy of the National Government proportionally diminished. The impracticability of one consolidated government for this great and growing nation will be more apparent and will be universally admitted. Incapable of exercising local authority except for general purposes, the General Government will no longer be dreaded. In those cases of a local nature and for all the great purposes for which it was instituted its authority will be cherished. Each government will acquire new force and a greater freedom of action within its proper sphere. Other inestimable advantages will follow. Our produce will be aug-

mented to an incalculable amount in articles of the greatest value for domestic use and foreign commerce. Our navigation will in like degree be increased, and as the shipping of the Atlantic States will be employed in the transportation of the vast produce of the Western country, even those parts of the United States which are most remote from each other will be further bound together by the strongest ties which mutual interest can create.

The situation of this District, it is thought, requires the attention of Congress. By the Constitution the power of legislation is exclusively vested in the Congress of the United States. In the exercise of this power, in which the people have no participation, Congress legislate in all cases directly on the local concerns of the District. As this is a departure, for a special purpose, from the general principles of our system, it may merit consideration whether an arrangement better adapted to the principles of our Government and to the particular interests of the people may not be devised which will neither infringe the Constitution nor affect the object which the provision in question was intended to secure. The growing population, already considerable, and the increasing business of the District, which it is believed already interferes with the deliberations of Congress on great national concerns, furnish additional motives for recommending this subject to your consideration.

When we view the great blessings with which our country has been favored, those which we now enjoy, and the means which we possess of handing them down unimpaired to our latest posterity, our attention is irresistibly drawn to the source from whence they flow. Let us, then, unite in offering our most grateful acknowledgments for these blessings to the Divine Author of All Good.

JAMES MONROE.

SPECIAL MESSAGES.

NOVEMBER 30, 1818.

To the Senate of the United States:

I lay before the Senate, for their advice and consent, the several treaties which have recently been made with the Chickasaws, the Quapaws, the Wyandot, Seneca, Delaware, Shawnese, Potawatamies, Ottawas, and Chippewas, the Peoria, Kaskaskias, Mitchigamia, Cahokia, and Tamarois, the Great and Little Osages, the Weas, Potawatamies, Delaware and Miami, the Wyandot, and the four Pawnees tribes of Indians.

By reference to the journal of the commissioners it appears that George and Levi Colbert have bargained and sold to the United States the reservations made to them by the treaty of September, 1816, and that a deed of trust of the same has been made by them to James Jackson, of

Nashville. I would therefore suggest, in case the Chickasaw treaty be approved by the Senate, the propriety of providing by law for the payment of the sum stipulated to be given to them for their reservations.

JAMES MONROE.

DECEMBER 2, 1818.

To the Senate of the United States:

I transmit to the Senate copies of such of the documents referred to in the message of the 17th of last month as have been prepared since that period. They contain a copy of the reports of Mr. Rodney and Mr. Graham, two of the commissioners to South America, who returned first from the mission, and of the papers connected with those reports. They also present a full view of the operations of our troops employed in the Seminole war in Florida.

It would have been gratifying to me to have communicated with the message all the documents referred to in it, but as two of our commissioners from South America made their reports a few days only before the meeting of Congress and the third on the day of its meeting, it was impossible to transmit at that time more than one copy of the two reports first made.

The residue of the documents will be communicated as soon as they are prepared.

JAMES MONROE.

WASHINGTON, *December 2, 1818.*

To the Senate of the United States:

In compliance with a resolution of the Senate of 25th of last month, requesting to be furnished with such information as may be possessed by the Executive touching the execution of so much of the first article of the late treaty of peace and amity between His Britannic Majesty and the United States as relates to the restitution of slaves, and which has not heretofore been communicated, I lay before the Senate a report made by the Secretary of State on the 1st instant in relation to that subject.

JAMES MONROE.

DECEMBER 2, 1818.

To the House of Representatives of the United States:

I transmit to the House of Representatives copies of such documents referred to in the message of the 17th ultimo as have been prepared since that period. They present a full view of the operations of our troops employed in the Seminole war who entered Florida.

The residue of the documents, which are very voluminous, will be transmitted as soon as they can be prepared.

JAMES MONROE.

DECEMBER 12, 1818.

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 10th instant, I transmit a report of the Secretary of War, with copies of the correspondence between the governor of Georgia and Major-General Andrew Jackson on the subject of the arrest of Captain Obed Wright.

JAMES MONROE.

DECEMBER 29, 1818.

To the Senate of the United States:

I lay before the Senate, for their consideration, a convention, signed at London on the 20th of October last, between the United States and Great Britain, together with the documents showing the course and progress of the negotiation. I have to request that these documents, which are original, may be returned when the Senate shall have acted on the convention.

JAMES MONROE.

DECEMBER 31, 1818.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 24th instant, requesting me to lay before it "copies of the correspondence, if any, between the Department of War and the governor of Georgia, in answer to the letter of the latter to the former dated on the 1st of June of the present year, communicated to the House on the 12th instant; and also the correspondence, if any, between the Department of War and General Andrew Jackson, in answer to the letter of the latter of the date 7th May, 1818, also communicated to the House on the 12th instant," I transmit a report from the Secretary of War, with a copy of an extract of a letter from Major Van De Venter, chief clerk in the Department of War, in reply to General Jackson's letter of the 7th of May, 1818.

JAMES MONROE.

DECEMBER 31, 1818.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 7th instant, requesting me to lay before it "the proceedings which have been had under the act entitled 'An act for the gradual increase of the Navy of the United States,' specifying the number of ships which have been put on the stocks, and of what class, and the quantity and kind of materials which have been procured in compliance with the provisions of said act; and also the sums of money which have been paid out of the

fund created by the said act, and for what objects; and likewise the contracts which have been entered into in execution of said act on which moneys may not yet have been advanced," I transmit a report from the Acting Secretary of the Navy, together with a communication from the Board of Navy Commissioners, which, with the documents accompanying it, comprehends all the information required by the House of Representatives.

JAMES MONROE.

WASHINGTON, *January 4, 1819.*

To the Senate and House of Representatives of the United States:

I transmit to Congress a proclamation, dated the 22d of last month, of the convention made and concluded at Madrid between the plenipotentiaries of the United States and His Catholic Majesty on the 11th of August, 1802, the ratifications of which were not exchanged until the 21st ultimo, together with the translation of a letter from the minister of Spain to the Secretary of State.

JAMES MONROE.

JANUARY 4, 1819.

To the Senate of the United States:

I transmit to the Senate, in pursuance of their resolution of the 30th of last month, requesting to be furnished with the instructions, including that of the 28th of July, 1818, to the plenipotentiaries of the United States who negotiated the convention with His Britannic Majesty signed on the 20th day of October in the same year, copies of all these instructions, including that particularly referred to.

JAMES MONROE.

JANUARY 11, 1819.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 5th instant, requesting me "to cause to be laid before it a statement of the effective force composing the military establishment of the United States; also a statement of the different posts and garrisons at and within which troops are stationed, and the actual number of officers, noncommissioned officers, and privates at each post and garrison, respectively; also to designate in such statement the number of artillerists and the number and caliber of ordnance at each of the said posts and garrisons," I transmit a report from the Secretary of War, which, with the documents accompanying it, contains all the information required.

JAMES MONROE.

JANUARY 29, 1819.

To the House of Representatives of the United States:

I transmit to the House of Representatives, in compliance with their resolution of the 4th of this month, a report from the Secretary of State concerning the applications which have been made by any of the independent Governments of South America to have a minister or consul-general accredited by the Government of the United States, with the answers of this Government to the applications addressed to it.

JAMES MONROE.

JANUARY 30, 1819.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 18th instant, requesting me to cause any information not already communicated to be laid before the House whether Amelia Island, St. Marks, and Pensacola yet remain in the possession of the United States, and, if so, by what laws the inhabitants are governed; whether articles imported therein from foreign countries are subject to any, and what, duties, and by what laws, and whether the said duties are collected and how; whether vessels arriving in the United States from Pensacola and Amelia Island, and in Pensacola and Amelia Island from the United States, respectively, are considered and treated as vessels arriving from foreign countries, I transmit a report from the Secretary of the Treasury, and likewise one from the Secretary of War, which will afford all the information requested by the House of Representatives.

JAMES MONROE.

FEBRUARY 2, 1819.

To the Senate of the United States:

I nominate John Overton, Newton Cannon, and Robert Weakly, of Tennessee, as commissioners to negotiate with the Chickasaw tribe of Indians for the cession of a tract of land 4 miles square, including a salt spring, reserved to the said tribe by the fourth article of a treaty concluded with the said Indians on the 19th day of October, 1818.

JAMES MONROE.

FEBRUARY 2, 1819.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 13th of last month, requesting me "to cause to be laid before it a statement showing the measures that have been taken to collect the balances stated to be due from the several supervisors and collectors of the old direct tax of two millions; also a similar statement of the balances due from the officers of the old internal revenue, and to designate in such statement the persons

who have been interested in the collection of the said debts and the sums by them respectively collected, and the time when the same were collected," I transmit a report of the Secretary of the Treasury, which, with the documents accompanying it, contains all the information required.

JAMES MONROE.

WASHINGTON, *February 3, 1819.*

To the Senate and House of Representatives of the United States:

I communicate to Congress copies of applications received from the minister of Great Britain in behalf of certain British subjects who have suffered in their property by proceedings to which the United States by their military and judicial officers have been parties. These injuries have been sustained under circumstances which appear to recommend strongly to the attention of Congress the claim to indemnity for the losses occasioned by them, which the legislative authority is alone competent to provide.

JAMES MONROE.

FEBRUARY 5, 1819.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 25th of last month, requesting me "to cause to be laid before it a copy of the rules and regulations adopted for the government of the Military Academy at West Point; also how many cadets have been admitted into the Academy, the time of the residence of each cadet at that institution, and how many of them have been appointed officers in the Army and Navy of the United States," I transmit a report from the Secretary of War, which, with the accompanying documents, will afford all the information required by the said resolution.

JAMES MONROE.

WASHINGTON, *February 6, 1819.*

To the Senate and House of Representatives of the United States:

I transmit to Congress a copy of a letter from Governor Bibb to Major-General Jackson, connected with the late military operations in Florida. This letter has been mislaid, or it would have been communicated with the other documents at the commencement of the session.

JAMES MONROE.

FEBRUARY 6, 1819.

To the Senate and House of Representatives of the United States:

I transmit to Congress, for their consideration, applications which have been received from the minister resident of Prussia and from the senates of the free and Hanseatic cities of Hamburg and Bremen, the object of

which is that the advantages secured by the act of Congress of 20th of April last to the vessels and merchandise of the Netherlands should be extended to those of Prussia, Hamburg, and Bremen. It will appear from these documents that the vessels of the United States and the merchandise laden in them are in the ports of those Governments, respectively, entitled to the same advantages in respect to imposts and duties as those of the native subjects of the countries themselves.

The principle of reciprocity appears to entitle them to the return of the same favor on the part of the United States, and I recommend it to Congress that provision to that effect may be made.

JAMES MONROE.

FEBRUARY 22, 1819.

To the Senate of the United States:

I transmit to the Senate a treaty of amity, settlement, and limits between the United States of America and His Catholic Majesty, concluded and signed this day, for the decision of the Senate as to its ratification. Copies of the correspondence between the Secretary of State and the minister from Spain connected with this subject since the renewal of the negotiation are likewise inclosed.

JAMES MONROE.

WASHINGTON, *February 26, 1819.*

To the Senate and House of Representatives of the United States:

The treaty of amity, settlement, and limits between the United States and His Catholic Majesty having been on the part of the United States ratified, by and with the advice and consent of the Senate, copies of it are now transmitted to Congress. As the ratification on the part of Spain may be expected to take place during the recess of Congress, I recommend to their consideration the adoption of such legislative measures contingent upon the event of the exchange of the ratifications as may be necessary or expedient for carrying the treaty into effect in the interval between the sessions, and until Congress at their next session may see fit to make further provision on the subject.

JAMES MONROE.

MARCH 2, 1819.

To the Senate of the United States:

A convention having been concluded between John C. Calhoun, Secretary of War, especially authorized therefor by me, and the chiefs and headmen of the Cherokee Nation of Indians, likewise duly authorized and empowered by said nation, I now lay the original instrument before the Senate for the exercise of its constitutional power respecting the ratification thereof.

JAMES MONROE.

THIRD ANNUAL MESSAGE.

WASHINGTON, *December 7, 1819.*

Fellow-Citizens of the Senate and of the House of Representatives:

The public buildings being advanced to a stage to afford accommodation for Congress, I offer you my sincere congratulations on the recommencement of your duties in the Capitol.

In bringing to view the incidents most deserving attention which have occurred since your last session, I regret to have to state that several of our principal cities have suffered by sickness, that an unusual drought has prevailed in the Middle and Western States, and that a derangement has been felt in some of our moneyed institutions which has proportionably affected their credit. I am happy, however, to have it in my power to assure you that the health of our cities is now completely restored; that the produce of the year, though less abundant than usual, will not only be amply sufficient for home consumption, but afford a large surplus for the supply of the wants of other nations, and that the derangement in the circulating paper medium, by being left to those remedies which its obvious causes suggested and the good sense and virtue of our fellow-citizens supplied, has diminished.

Having informed Congress, on the 27th of February last, that a treaty of amity, settlement, and limits had been concluded in this city between the United States and Spain, and ratified by the competent authorities of the former, full confidence was entertained that it would have been ratified by His Catholic Majesty with equal promptitude and a like earnest desire to terminate on the conditions of that treaty the differences which had so long existed between the two countries. Every view which the subject admitted of was thought to have justified this conclusion. Great losses had been sustained by citizens of the United States from Spanish cruisers more than twenty years before, which had not been redressed. These losses had been acknowledged and provided for by a treaty as far back as the year 1802, which, although concluded at Madrid, was not then ratified by the Government of Spain, nor since, until the last year, when it was suspended by the late treaty, a more satisfactory provision to both parties, as was presumed, having been made for them. Other differences had arisen in this long interval, affecting their highest interests, which were likewise provided for by this last treaty. The treaty itself was formed on great consideration and a thorough knowledge of all circumstances, the subject-matter of every article having been for years under discussion and repeated references having been made by the minister of Spain to his Government on the points respecting which the greatest difference of opinion prevailed. It was formed by a minister duly authorized for the purpose, who had represented his Government in

the United States and been employed in this long-protracted negotiation several years, and who, it is not denied, kept strictly within the letter of his instructions. The faith of Spain was therefore pledged, under circumstances of peculiar force and solemnity, for its ratification. On the part of the United States this treaty was evidently acceded to in a spirit of conciliation and concession. The indemnity for injuries and losses so long before sustained, and now again acknowledged and provided for, was to be paid by them without becoming a charge on the treasury of Spain. For territory ceded by Spain other territory of great value, to which our claim was believed to be well founded, was ceded by the United States, and in a quarter more interesting to her. This cession was nevertheless received as the means of indemnifying our citizens in a considerable sum, the presumed amount of their losses. Other considerations of great weight urged the cession of this territory by Spain. It was surrounded by the Territories of the United States on every side except on that of the ocean. Spain had lost her authority over it, and, falling into the hands of adventurers connected with the savages, it was made the means of unceasing annoyance and injury to our Union in many of its most essential interests. By this cession, then, Spain ceded a territory in reality of no value to her and obtained concessions of the highest importance by the settlement of long-standing differences with the United States affecting their respective claims and limits, and likewise relieved herself from the obligation of a treaty relating to it which she had failed to fulfill, and also from the responsibility incident to the most flagrant and pernicious abuses of her rights where she could not support her authority.

It being known that the treaty was formed under these circumstances, not a doubt was entertained that His Catholic Majesty would have ratified it without delay. I regret to have to state that this reasonable expectation has been disappointed; that the treaty was not ratified within the time stipulated and has not since been ratified. As it is important that the nature and character of this unexpected occurrence should be distinctly understood, I think it my duty to communicate to you all the facts and circumstances in my possession relating to it.

Anxious to prevent all future disagreement with Spain by giving the most prompt effect to the treaty which had been thus concluded, and particularly by the establishment of a government in Florida which should preserve order there, the minister of the United States who had been recently appointed to His Catholic Majesty, and to whom the ratification by his Government had been committed to be exchanged for that of Spain, was instructed to transmit the latter to the Department of State as soon as obtained, by a public ship subjected to his order for the purpose. Unexpected delay occurring in the ratification by Spain, he requested to be informed of the cause. It was stated in reply that the great importance of the subject, and a desire to obtain explanations on certain points

which were not specified, had produced the delay, and that an envoy would be dispatched to the United States to obtain such explanations of this Government. The minister of the United States offered to give full explanation on any point on which it might be desired, which proposal was declined. Having communicated this result to the Department of State in August last, he was instructed, notwithstanding the disappointment and surprise which it produced, to inform the Government of Spain that if the treaty should be ratified and transmitted here at any time before the meeting of Congress it would be received and have the same effect as if it had been ratified in due time. This order was executed, the authorized communication was made to the Government of Spain, and by its answer, which has just been received, we are officially made acquainted for the first time with the causes which have prevented the ratification of the treaty by His Catholic Majesty. It is alleged by the minister of Spain that this Government had attempted to alter one of the principal articles of the treaty by a declaration which the minister of the United States had been ordered to present when he should deliver the ratification by his Government in exchange for that of Spain, and of which he gave notice, explanatory of the sense in which that article was understood. It is further alleged that this Government had recently tolerated or protected an expedition from the United States against the Province of Texas. These two imputed acts are stated as the reasons which have induced His Catholic Majesty to withhold his ratification from the treaty, to obtain explanations respecting which it is repeated that an envoy would be forthwith dispatched to the United States. How far these allegations will justify the conduct of the Government of Spain will appear on a view of the following facts and the evidence which supports them:

It will be seen by the documents transmitted herewith that the declaration mentioned relates to a clause in the eighth article concerning certain grants of land recently made by His Catholic Majesty in Florida, which it was understood had conveyed all the lands which till then had been ungranted; it was the intention of the parties to annul these latter grants, and that clause was drawn for that express purpose and for none other. The date of these grants was unknown, but it was understood to be posterior to that inserted in the article; indeed, it must be obvious to all that if that provision in the treaty had not the effect of annulling these grants, it would be altogether nugatory. Immediately after the treaty was concluded and ratified by this Government an intimation was received that these grants were of anterior date to that fixed on by the treaty and that they would not, of course, be affected by it. The mere possibility of such a case, so inconsistent with the intention of the parties and the meaning of the article, induced this Government to demand an explanation on the subject, which was immediately granted, and which corresponds with this statement. With respect to the other act alleged, that this Government had tolerated or protected an expedition against Texas, it is utterly with-

out foundation. Every discountenance has invariably been given to any such attempt from within the limits of the United States, as is fully evinced by the acts of the Government and the proceedings of the courts. There being cause, however, to apprehend, in the course of the last summer, that some adventurers entertained views of the kind suggested, the attention of the constituted authorities in that quarter was immediately drawn to them, and it is known that the project, whatever it might be, has utterly failed.

These facts will, it is presumed, satisfy every impartial mind that the Government of Spain had no justifiable cause for declining to ratify the treaty. A treaty concluded in conformity with instructions is obligatory, in good faith, in all its stipulations, according to the true intent and meaning of the parties. Each party is bound to ratify it. If either could set it aside without the consent of the other, there would be no longer any rules applicable to such transactions between nations. By this proceeding the Government of Spain has rendered to the United States a new and very serious injury. It has been stated that a minister would be sent to ask certain explanations of this Government; but if such were desired, why were they not asked within the time limited for the ratification? Is it contemplated to open a new negotiation respecting any of the articles or conditions of the treaty? If that were done, to what consequences might it not lead? At what time and in what manner would a new negotiation terminate? By this proceeding Spain has formed a relation between the two countries which will justify any measures on the part of the United States which a strong sense of injury and a proper regard for the rights and interests of the nation may dictate.

In the course to be pursued these objects should be constantly held in view and have their due weight. Our national honor must be maintained, and a new and a distinguished proof be afforded of that regard for justice and moderation which has invariably governed the councils of this free people. It must be obvious to all that if the United States had been desirous of making conquests, or had been even willing to aggrandize themselves in that way, they could have had no inducement to form this treaty. They would have much cause for gratulation at the course which has been pursued by Spain. An ample field for ambition is open before them, but such a career is not consistent with the principles of their Government nor the interests of the nation.

From a full view of all circumstances, it is submitted to the consideration of Congress whether it will not be proper for the United States to carry the conditions of the treaty into effect in the same manner as if it had been ratified by Spain, claiming on their part all its advantages and yielding to Spain those secured to her. By pursuing this course we shall rest on the sacred ground of right, sanctioned in the most solemn manner by Spain herself by a treaty which she was bound to ratify, for refusing to do which she must incur the censure of other nations, even those most

friendly to her, while by confining ourselves within that limit we can not fail to obtain their well-merited approbation. We must have peace on a frontier where we have been so long disturbed; our citizens must be indemnified for losses so long since sustained, and for which indemnity has been so unjustly withheld from them. Accomplishing these great objects, we obtain all that is desirable.

But His Catholic Majesty has twice declared his determination to send a minister to the United States to ask explanations on certain points and to give them respecting his delay to ratify the treaty. Shall we act by taking the ceded territory and proceeding to execute the other conditions of the treaty before this minister arrives and is heard? This is a case which forms a strong appeal to the candor, the magnanimity, and the honor of this people. Much is due to courtesy between nations. By a short delay we shall lose nothing, for, resting on the ground of immutable truth and justice, we can not be diverted from our purpose. It ought to be presumed that the explanations which may be given to the minister of Spain will be satisfactory, and produce the desired result. In any event, the delay for the purpose mentioned, being a further manifestation of the sincere desire to terminate in the most friendly manner all differences with Spain, can not fail to be duly appreciated by His Catholic Majesty as well as by other powers. It is submitted, therefore, whether it will not be proper to make the law proposed for carrying the conditions of the treaty into effect, should it be adopted, contingent; to suspend its operation, upon the responsibility of the Executive, in such manner as to afford an opportunity for such friendly explanations as may be desired during the present session of Congress.

I communicate to Congress a copy of the treaty and of the instructions to the minister of the United States at Madrid respecting it; of his correspondence with the minister of Spain, and of such other documents as may be necessary to give a full view of the subject.

In the course which the Spanish Government have on this occasion thought proper to pursue it is satisfactory to know that they have not been countenanced by any other European power. On the contrary, the opinion and wishes both of France and Great Britain have not been withheld either from the United States or from Spain, and have been unequivocal in favor of the ratification. There is also reason to believe that the sentiments of the Imperial Government of Russia have been the same, and that they have also been made known to the cabinet of Madrid.

In the civil war existing between Spain and the Spanish Provinces in this hemisphere the greatest care has been taken to enforce the laws intended to preserve an impartial neutrality. Our ports have continued to be equally open to both parties and on the same conditions, and our citizens have been equally restrained from interfering in favor of either to the prejudice of the other. The progress of the war, however, has operated manifestly in favor of the colonies. Buenos Ayres still maintains

unshaken the independence which it declared in 1816, and has enjoyed since 1810. Like success has also lately attended Chili and the Provinces north of the La Plata bordering on it, and likewise Venezuela.

This contest has from its commencement been very interesting to other powers, and to none more so than to the United States. A virtuous people may and will confine themselves within the limit of a strict neutrality; but it is not in their power to behold a conflict so vitally important to their neighbors without the sensibility and sympathy which naturally belong to such a case. It has been the steady purpose of this Government to prevent that feeling leading to excess, and it is very gratifying to have it in my power to state that so strong has been the sense throughout the whole community of what was due to the character and obligations of the nation that very few examples of a contrary kind have occurred.

The distance of the colonies from the parent country and the great extent of their population and resources gave them advantages which it was anticipated at a very early period would be difficult for Spain to surmount. The steadiness, consistency, and success with which they have pursued their object, as evinced more particularly by the undisturbed sovereignty which Buenos Ayres has so long enjoyed, evidently give them a strong claim to the favorable consideration of other nations. These sentiments on the part of the United States have not been withheld from other powers, with whom it is desirable to act in concert. Should it become manifest to the world that the efforts of Spain to subdue these Provinces will be fruitless, it may be presumed that the Spanish Government itself will give up the contest. In producing such a determination it can not be doubted that the opinion of friendly powers who have taken no part in the controversy will have their merited influence.

It is of the highest importance to our national character and indispensable to the morality of our citizens that all violations of our neutrality should be prevented. No door should be left open for the evasion of our laws, no opportunity afforded to any who may be disposed to take advantage of it to compromit the interest or the honor of the nation. It is submitted, therefore, to the consideration of Congress whether it may not be advisable to revise the laws with a view to this desirable result.

It is submitted also whether it may not be proper to designate by law the several ports or places along the coast at which only foreign ships of war and privateers may be admitted. The difficulty of sustaining the regulations of our commerce and of other important interests from abuse without such designation furnishes a strong motive for this measure.

At the time of the negotiation for the renewal of the commercial convention between the United States and Great Britain a hope had been entertained that an article might have been agreed upon mutually satisfactory to both countries, regulating upon principles of justice and reciprocity the commercial intercourse between the United States and the British possessions as well in the West Indies as upon the continent of

North America. The plenipotentiaries of the two Governments not having been able to come to an agreement on this important interest, those of the United States reserved for the consideration of this Government the proposals which had been presented to them as the ultimate offer on the part of the British Government, and which they were not authorized to accept. On their transmission here they were examined with due deliberation, the result of which was a new effort to meet the views of the British Government. The minister of the United States was instructed to make a further proposal, which has not been accepted. It was, however, declined in an amicable manner. I recommend to the consideration of Congress whether further prohibitory provisions in the laws relating to this intercourse may not be expedient. It is seen with interest that although it has not been practicable as yet to agree in any arrangement of this important branch of their commerce, such is the disposition of the parties that each will view any regulations which the other may make respecting it in the most friendly light.

By the fifth article of the convention concluded on the 20th of October, 1818, it was stipulated that the differences which have arisen between the two Governments with regard to the true intent and meaning of the fifth article of the treaty of Ghent, in relation to the carrying away by British officers of slaves from the United States after the exchange of the ratifications of the treaty of peace, should be referred to the decision of some friendly sovereign or state to be named for that purpose. The minister of the United States has been instructed to name to the British Government a foreign sovereign, the common friend to both parties, for the decision of this question. The answer of that Government to the proposal when received will indicate the further measures to be pursued on the part of the United States.

Although the pecuniary embarrassments which affected various parts of the Union during the latter part of the preceding year have during the present been considerably augmented, and still continue to exist, the receipts into the Treasury to the 30th of September last have amounted to $19,000,000. After defraying the current expenses of the Government, including the interest and reimbursement of the public debt payable to that period, amounting to $18,200,000, there remained in the Treasury on that day more than $2,500,000, which, with the sums receivable during the remainder of the year, will exceed the current demands upon the Treasury for the same period.

The causes which have tended to diminish the public receipts could not fail to have a corresponding effect upon the revenue which has accrued upon imposts and tonnage during the three first quarters of the present year. It is, however, ascertained that the duties which have been secured during that period exceed $18,000,000, and those of the whole year will probably amount to $23,000,000.

For the probable receipts of the next year I refer you to the statements

which will be transmitted from the Treasury, which will enable you to judge whether further provision be necessary.

The great reduction in the price of the principal articles of domestic growth which has occurred during the present year, and the consequent fall in the price of labor, apparently so favorable to the success of domestic manufactures, have not shielded them against other causes adverse to their prosperity. The pecuniary embarrassments which have so deeply affected the commercial interests of the nation have been no less adverse to our manufacturing establishments in several sections of the Union.

The great reduction of the currency which the banks have been constrained to make in order to continue specie payments, and the vitiated character of it where such reductions have not been attempted, instead of placing within the reach of these establishments the pecuniary aid necessary to avail themselves of the advantages resulting from the reduction in the prices of the raw materials and of labor, have compelled the banks to withdraw from them a portion of the capital heretofore advanced to them. That aid which has been refused by the banks has not been obtained from other sources, owing to the loss of individual confidence from the frequent failures which have recently occurred in some of our principal commercial cities.

An additional cause for the depression of these establishments may probably be found in the pecuniary embarrassments which have recently affected those countries with which our commerce has been principally prosecuted. Their manufactures, for the want of a ready or profitable market at home, have been shipped by the manufacturers to the United States, and in many instances sold at a price below their current value at the place of manufacture. Although this practice may from its nature be considered temporary or contingent, it is not on that account less injurious in its effects. Uniformity in the demand and price of an article is highly desirable to the domestic manufacturer.

It is deemed of great importance to give encouragement to our domestic manufacturers. In what manner the evils which have been adverted to may be remedied, and how far it may be practicable in other respects to afford to them further encouragement, paying due regard to the other great interests of the nation, is submitted to the wisdom of Congress.

The survey of the coast for the establishment of fortifications is now nearly completed, and considerable progress has been made in the collection of materials for the construction of fortifications in the Gulf of Mexico and in the Chesapeake Bay. The works on the eastern bank of the Potomac below Alexandria and on the Pea Patch, in the Delaware, are much advanced, and it is expected that the fortifications at the Narrows, in the harbor of New York, will be completed the present year. To derive all the advantages contemplated from these fortifications it was necessary that they should be judiciously posted, and constructed with a view to permanence. The progress hitherto has therefore been slow; but

as the difficulties in parts heretofore the least explored and known are surmounted, it will in future be more rapid. As soon as the survey of the coast is completed, which it is expected will be done early in the next spring, the engineers employed in it will proceed to examine for like purposes the northern and northwestern frontiers.

The troops intended to occupy a station at the mouth of the St. Peters, on the Mississippi, have established themselves there, and those who were ordered to the mouth of the Yellow Stone, on the Missouri, have ascended that river to the Council Bluff, where they will remain until the next spring, when they will proceed to the place of their destination. I have the satisfaction to state that this measure has been executed in amity with the Indian tribes, and that it promises to produce, in regard to them, all the advantages which were contemplated by it.

Much progress has likewise been made in the construction of ships of war and in the collection of timber and other materials for shipbuilding. It is not doubted that our Navy will soon be augmented to the number and placed in all respects on the footing provided for by law.

The Board, consisting of engineers and naval officers, have not yet made their final report of sites for two naval depots, as instructed according to the resolutions of March 18 and April 20, 1818, but they have examined the coast therein designated, and their report is expected in the next month.

For the protection of our commerce in the Mediterranean, along the southern Atlantic coast, in the Pacific and Indian oceans, it has been found necessary to maintain a strong naval force, which it seems proper for the present to continue. There is much reason to believe that if any portion of the squadron heretofore stationed in the Mediterranean should be withdrawn our intercourse with the powers bordering on that sea would be much interrupted, if not altogether destroyed. Such, too, has been the growth of a spirit of piracy in the other quarters mentioned, by adventurers from every country, in abuse of the friendly flags which they have assumed, that not to protect our commerce there would be to abandon it as a prey to their rapacity. Due attention has likewise been paid to the suppression of the slave trade, in compliance with a law of the last session. Orders have been given to the commanders of all our public ships to seize all vessels navigated under our flag engaged in that trade, and to bring them in to be proceeded against in the manner prescribed by that law. It is hoped that these vigorous measures, supported by like acts by other nations, will soon terminate a commerce so disgraceful to the civilized world.

In the execution of the duty imposed by these acts, and of a high trust connected with it, it is with deep regret I have to state the loss which has been sustained by the death of Commodore Perry. His gallantry in a brilliant exploit in the late war added to the renown of his country. His death is deplored as a national misfortune.

JAMES MONROE.

SPECIAL MESSAGES.

WASHINGTON, *December 7, 1819.*

To the Senate of the United States:

I transmit herewith to the Senate a collection of the commercial regulations of the different foreign countries with which the United States have commercial intercourse, which has been compiled in compliance with the resolution of the Senate of 3d March, 1817.

JAMES MONROE.

WASHINGTON, *December 14, 1819.*

To the House of Representatives of the United States:

In conformity with the resolution of the House of Representatives of the 24th of February last, I now transmit a report of the Secretary of State, with extracts and copies of several letters, touching the causes of the imprisonment of William White, an American citizen, at Buenos Ayres.

JAMES MONROE.

WASHINGTON, *December 17, 1819.*

To the Senate and House of Representatives of the United States:

Some doubt being entertained respecting the true intent and meaning of the act of the last session entitled "An act in addition to the acts prohibiting the slave trade," as to the duties of the agents to be appointed on the coast of Africa, I think it proper to state the interpretation which has been given of the act and the measures adopted to carry it into effect, that Congress may, should it be deemed advisable, amend the same before further proceeding is had under it.

The obligation to instruct the commanders of all our armed vessels to seize and bring into port all ships or vessels of the United States, wheresoever found, having on board any negro, mulatto, or person of color in violation of former acts for the suppression of the slave trade, being imperative, was executed without delay. No seizures have yet been made, but as they were contemplated by the law, and might be presumed, it seemed proper to make the necessary regulations applicable to such seizures for carrying the several provisions of the act into effect.

It is enjoined on the Executive to cause all negroes, mulattoes, or persons of color who may be taken under the act to be removed to Africa. It is the obvious import of the law that none of the persons thus taken should remain within the United States, and no place other than the coast of Africa being designated, their removal or delivery, whether carried from the United States or landed immediately from the vessels in which

they were taken, was supposed to be confined to that coast. No settlement or station being specified, the whole coast was thought to be left open for the selection of a proper place at which the persons thus taken should be delivered. The Executive is authorized to appoint one or more agents residing there to receive such persons, and $100,000 are appropriated for the general purposes of the law.

On due consideration of the several sections of the act, and of its humane policy, it was supposed to be the intention of Congress that all the persons above described who might be taken under it and landed in Africa should be aided in their return to their former homes, or in their establishment at or near the place where landed. Some shelter and food would be necessary for them there as soon as landed, let their subsequent disposition be what it might. Should they be landed without such provision having been previously made, they might perish.

It was supposed, by the authority given to the Executive to appoint agents residing on that coast, that they should provide such shelter and food, and perform the other beneficent and charitable offices contemplated by the act. The coast of Africa having been little explored, and no persons residing there who possessed the requisite qualifications to entitle them to the trust being known to the Executive, to none such could it be committed. It was believed that citizens only who would go hence well instructed in the views of their Government and zealous to give them effect would be competent to these duties, and that it was not the intention of the law to preclude their appointment. It was obvious that the longer these persons should be detained in the United States in the hands of the marshals the greater would be the expense, and that for the same term would the main purpose of the law be suspended. It seemed, therefore, to be incumbent on me to make the necessary arrangements for carrying this act into effect in Africa in time to meet the delivery of any persons who might be taken by the public vessels and landed there under it.

On this view of the policy and sanctions of the law it has been decided to send a public ship to the coast of Africa with two such agents, who will take with them tools and other implements necessary for the purposes above mentioned. To each of these agents a small salary has been allowed—$1,500 to the principal and $1,200 to the other.

All our public agents on the coast of Africa receive salaries for their services, and it was understood that none of our citizens possessing the requisite qualifications would accept these trusts, by which they would be confined to parts the least frequented and civilized, without a reasonable compensation. Such allowance therefore seemed to be indispensable to the execution of the act. It is intended also to subject a portion of the sum appropriated to the order of the principal agent for the special objects above stated, amounting in the whole, including the salaries of the agents for one year, to rather less than one-third of the appropriation. Special instructions will be given to these agents, defining in precise

terms their duties in regard to the persons thus delivered to them, the disbursement of the money by the principal agent, and his accountability for the same. They will also have power to select the most suitable place on the coast of Africa at which all persons who may be taken under this act shall be delivered to them, with an express injunction to exercise no power founded on the principle of colonization or other power than that of performing the benevolent offices above recited by the permission and sanction of the existing government under which they may establish themselves. Orders will be given to the commander of the public ship in which they will sail to crüise along the coast to give the more complete effect to the principal object of the act.

JAMES MONROE.

WASHINGTON, *December 17, 1819.*

To the Senate and House of Representatives of the United States:

In compliance with a resolution of Congress of the 27th March, 1818, the journal, acts, and proceedings of the convention which formed the present Constitution of the United States have been published. The resolution directs that 1,000 copies should be printed, of which one copy should be furnished to each member of the Fifteenth Congress, and the residue to be subject to the future disposition of Congress. The number of copies sufficient to supply the members of the late Congress having been reserved for that purpose, the remainder are now deposited at the Department of State subject to the order of Congress. The documents mentioned in the resolution of the 27th March, 1818, are in the process of publication.

JAMES MONROE.

WASHINGTON, *December 24, 1819.*

To the Senate and House of Representatives of the United States:

On the 23d of February, 1803, a message from the President of the United States was transmitted to both Houses of Congress, together with the report of the then Secretary of State, Mr. Madison, upon the case of the Danish brigantine *Henrick* and her cargo, belonging to citizens of Hamburg, recommending the claim to the favorable consideration of Congress. In February, 1805, it was again presented by a message from the President to the consideration of Congress, but has not since been definitively acted upon.

The minister resident from Denmark and the consul-general from Hamburg having recently renewed applications in behalf of the respective owners of the vessel and cargo, I transmit herewith copies of their communications for the further consideration of the Legislature, upon whose files all the documents relating to the claim are still existing.

JAMES MONROE.

DECEMBER 31, 1819.

To the Senate of the United States:

I transmit to the Senate, for its advice and consent as to the ratification, three treaties which have been concluded in the course of the present year with the Kickapoos, the Chippaways, and the Kickapoos of the Vermillion by commissioners who were duly authorized for the purpose.

With the Chippaways there is a supplementary article stipulating certain advantages in their favor on condition that the same shall be ratified by the Executive, with the advice and consent of the Senate, which I likewise submit to your consideration.

JAMES MONROE.

WASHINGTON, *January 8, 1820.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 14th December, 1819, requesting me to cause to be laid before it any information I may possess respecting certain executions which have been inflicted in the Army of the United States since the year 1815 contrary to the laws and regulations provided for the government of the same, I transmit a report from the Secretary of War containing a detailed account in relation to the object of the said resolution.

JAMES MONROE.

WASHINGTON, *January 8, 1820.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 20th of January, 1819, requesting me "to cause a report to be laid before them at their next session of such facts as may be within the means of the Government to obtain shewing how far it may be expedient or not to provide by law for clothing the Army with articles manufactured in the United States," I transmit a report from the Secretary of War, which, with the accompanying documents, comprehends all the information required by the Senate in their resolution aforesaid.

JAMES MONROE.

WASHINGTON, *January 19, 1820.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives requesting me "to lay before it at as early a day as may be convenient an account of the expenditure of the several sums appropriated for building fortifications from the year 1816 to the year 1819, inclusive, indicating the places at which works of defense have been begun, the magnitude of

the works contemplated at each place, their present condition, the amount already expended, and the estimated amount requisite for the completion of each, also the mode by which the fortifications are built, by contract or otherwise," I now transmit to the House a report from the Secretary of War, to whom the said resolution was referred, which, with the documents accompanying it, contains all the information required.

JAMES MONROE.

WASHINGTON, *February 8, 1820.*

To the House of Representatives of the United States:

In conformity with a resolution of the House of Representatives of the 24th January, 1820, requesting me "to inform the House what loans, if any, have been made since the peace, to private citizens, of powder, lead, and other munitions belonging to the Government by officers of any department of the Army or Navy, specifying the times, terms, objects, and extent of such loans, the names of the persons by whom and to whom made, the different times of repayment, and also the amount of the ultimate loss, if any, likely to be incurred by the Government in consequence thereof," I now transmit a report from the Secretary of War, which, with the accompanying documents, contains all the information that can be furnished on the subject.

JAMES MONROE.

WASHINGTON, *March 1, 1820.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 4th of February last, requesting to be informed what progress has been made in surveying certain parts of the coast of North Carolina and in ascertaining the latitude and longitude of the extreme points of Cape Hatteras, Cape Look Out, and Cape Fear, according to a resolution of the 19th of January, 1819, I have to state that it is intended to carry the resolution of the 19th of March into effect in the present year. The cooperation of the Board of Engineers with Naval Commissioners being necessary in executing that duty, and the Board having been engaged last year in surveying the eastern coast of our Union, it would have interfered with previous arrangements and been attended with increased expense had they been withdrawn from it. The Board will, however, be employed during the present summer in the regular execution of its duties in the survey of the coast of North Carolina, when instructions will be given it to afford the necessary aid to carry the resolution of the 19th of January of the last year into effect.

JAMES MONROE.

WASHINGTON, *March 4, 1820.*

To the Senate of the United States:

I transmit to the Senate, in pursuance of their resolution of the 4th of January last, a report from the Secretary of State, with a list of fines incurred under the act of Congress entitled "An act in addition to the act for the punishment of certain crimes against the United States," which appear from the records of the Department of State to have been remitted by the Executive authority of the United States.

JAMES MONROE.

WASHINGTON, *March 8, 1820.*

The PRESIDENT PRO TEMPORE OF THE SENATE:

I transmit to the Senate copies of sundry papers having relation to the treaty of 22d February, 1819, between the United States and Spain, which have been received at the Department of State, and have not before been communicated to the Senate.

JAMES MONROE.

WASHINGTON, *March 8, 1820.*

To the Senate and House of Representatives of the United States:

I transmit to Congress a report from the Secretary of the Treasury, which, with the accompanying documents, will shew that the act of the 20th May, 1812, respecting the northern and western boundaries of the State of Ohio, has been executed.

JAMES MONROE.

WASHINGTON, *March 17, 1820.*

To the House of Representatives of the United States:

It being stipulated by the fourth article of the articles of agreement and cession entered into on the 24th of April, 1802, with the State of Georgia that the United States should at their own expense extinguish for the use of that State, as soon as it might be done on reasonable terms, the Indian title to all the lands within its limits, and the legislature of Georgia being desirous to make a further acquisition of said lands at this time, presuming that it may be done on reasonable terms; and it being also represented that property of considerable value which had been taken by the Creek and Cherokee Indians from citizens of Georgia, the restoration of which had been provided for by different treaties, but which has never been made, it is proposed to hold a treaty with those nations, and more particularly with the Creeks, in the course of this summer. For the attainment of these objects I submit the subject to the consideration of Congress, that a sum adequate to the expenses attending such treaty may be appropriated should Congress deem it expedient.

JAMES MONROE.

WASHINGTON, *March 20, 1820.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 16th of February, 1820, requesting me to cause to be laid before it "abstracts of the bonds or other securities given under the laws of the United States by the collectors of the customs, receivers of public moneys for lands, and registers of public lands, paymasters in the Army, and pursers in the Navy, who are now in office, or who have heretofore been in office, and whose accounts remain unsettled, together with a statement of such other facts as may tend to shew the expediency or inexpediency of so far altering the laws respecting such officers that they may hereafter be appointed for limited periods, subject to removal as heretofore," I transmit to the Senate a report from the Secretary of the Treasury, which, with the documents accompanying it, will afford all the information required.

JAMES MONROE.

WASHINGTON, *March 27, 1820.*

To the Senate and House of Representatives of the United States:

I transmit to Congress an extract of a letter from the minister plenipotentiary of the United States at St. Petersburg, of the 1st of November last, on the subject of our relations with Spain, indicating the sentiments of the Emperor of Russia respecting the nonratification by His Catholic Majesty of the treaty lately concluded between the United States and Spain, and the strong interest which His Imperial Majesty takes in promoting the ratification of that treaty. Of this friendly disposition the most satisfactory assurance has been since given directly to this Government by the minister of Russia residing here.

I transmit also to Congress an extract of a letter from the minister plenipotentiary of the United States at Madrid of a later date than those heretofore communicated, by which it appears that, at the instance of the chargé d'affaires of the Emperor of Russia, a new pledge had been given by the Spanish Government that the minister who had been lately appointed to the United States should set out on his mission without delay, with full power to settle all differences in a manner satisfactory to the parties.

I have further to state that the Governments of France and Great Britain continue to manifest the sentiments heretofore communicated respecting the nonratification of the treaty by Spain, and to interpose their good offices to promote its ratification.

It is proper to add that the Governments of France and Russia have expressed an earnest desire that the United States would take no steps for the present on the principle of reprisal which might possibly tend to disturb the peace between the United States and Spain. There is good cause to presume from the delicate manner in which this sentiment

has been conveyed that it is founded in a belief as well as a desire that our just objects may be accomplished without the hazard of such an extremity.

On full consideration of all these circumstances, I have thought it my duty to submit to Congress whether it will not be advisable to postpone a decision on the questions now depending with Spain until the next session. The distress of that nation at this juncture affords a motive for this forbearance which can not fail to be duly appreciated. Under such circumstances the attention of the Spanish Government may be diverted from its foreign concerns, and the arrival of a minister here be longer delayed. I am the more induced to suggest this course of proceeding from a knowledge that, while we shall thereby make a just return to the powers whose good offices have been acknowledged, and increase by a new and signal proof of moderation our claims on Spain, our attitude in regard to her will not be less favorable at the next session than it is at the present.

JAMES MONROE.

WASHINGTON, *May 9, 1820.*

To the Senate and House of Representatives of the United States:

I communicate to Congress a correspondence which has taken place between the Secretary of State and the envoy extraordinary and minister plenipotentiary of His Catholic Majesty since the message of the 27th March last, respecting the treaty which was concluded between the United States and Spain on the 22d February, 1819.

After the failure of His Catholic Majesty for so long a time to ratify the treaty, it was expected that this minister would have brought with him the ratification, or that he would have been authorized to give an order for the delivery of the territory ceded by it to the United States. It appears, however, that the treaty is still unratified and that the minister has no authority to surrender the territory. The object of his mission has been to make complaints and to demand explanations respecting an imputed system of hostility on the part of citizens of the United States against the subjects and dominions of Spain, and an unfriendly policy in their Government, and to obtain new stipulations against these alleged injuries as the condition on which the treaty should be ratified.

Unexpected as such complaints and such a demand were under existing circumstances, it was thought proper, without compromitting the Government as to the course to be pursued, to meet them promptly and to give the explanations that were desired on every subject with the utmost candor. The result has proved what was sufficiently well known before, that the charge of a systematic hostility being adopted and pursued by citizens of the United States against the dominions and subjects of Spain is utterly destitute of foundation, and that their Government in all its

branches has maintained with the utmost rigor that neutrality in the civil war between Spain and the colonies which they were the first to declare. No force has been collected nor incursions made from within the United States against the dominions of Spain, nor have any naval equipments been permitted in favor of either party against the other. Their citizens have been warned of the obligations incident to the neutral condition of their country; their public officers have been instructed to see that the laws were faithfully executed, and severe examples have been made of some who violated them.

In regard to the stipulation proposed as the condition of the ratification of the treaty, that the United States shall abandon the right to recognize the revolutionary colonies in South America, or to form other relations with them when in their judgment it may be just and expedient so to do, it is manifestly so repugnant to the honor and even to the independence of the United States that it has been impossible to discuss it. In making this proposal it is perceived that His Catholic Majesty has entirely misconceived the principles on which this Government has acted in being a party to a negotiation so long protracted for claims so well founded and reasonable, as he likewise has the sacrifices which the United States have made, comparatively, with Spain in the treaty to which it is proposed to annex so extraordinary and improper a condition.

Had the minister of Spain offered an unqualified pledge that the treaty should be ratified by his Sovereign on being made acquainted with the explanations which had been given by this Government, there would have been a strong motive for accepting and submitting it to the Senate for their advice and consent, rather than to resort to other measures for redress, however justifiable and proper; but he gives no such pledge; on the contrary, he declares explicitly that the refusal of this Government to relinquish the right of judging and acting for itself hereafter, according to circumstances, in regard to the Spanish colonies, a right common to all nations, has rendered it impossible for him under his instructions to make such engagement. He thinks that his Sovereign will be induced by his communications to ratify the treaty, but still he leaves him free either to adopt that measure or to decline it. He admits that the other objections are essentially removed and will not in themselves prevent the ratification, provided the difficulty on the third point is surmounted. The result, therefore, is that the treaty is declared to have no obligation whatever; that its ratification is made to depend not on the considerations which led to its adoption and the conditions which it contains, but on a new article unconnected with it, respecting which a new negotiation must be opened, of indefinite duration and doubtful issue.

Under this view of the subject the course to be pursued would appear to be direct and obvious if the affairs of Spain had remained in the state in which they were when this minister sailed. But it is known that an important change has since taken place in the Government of that

country which can not fail to be sensibly felt in its intercourse with other nations. The minister of Spain has essentially declared his inability to act in consequence of that change. With him, however, under his present powers nothing could be done. The attitude of the United States must now be assumed on full consideration of what is due to their rights, their interest and honor, without regard to the powers or incidents of the late mission. We may at pleasure occupy the territory which was intended and provided by the late treaty as an indemnity for losses so long since sustained by our citizens; but still, nothing could be settled definitively without a treaty between the two nations. Is this the time to make the pressure? If the United States were governed by views of ambition and aggrandizement, many strong reasons might be given in its favor; but they have no objects of that kind to accomplish, none which are not founded in justice and which can be injured by forbearance. Great hope is entertained that this change will promote the happiness of the Spanish nation. The good order, moderation, and humanity which have characterized the movement are the best guaranties of its success.

The United States would not be justified in their own estimation should they take any step to disturb its harmony. When the Spanish Government is completely organized on the principles of this change, as it is expected it soon will be, there is just ground to presume that our differences with Spain will be speedily and satisfactorily settled.

With these remarks I submit it to the wisdom of Congress whether it will not still be advisable to postpone any decision on this subject until the next session.

JAMES MONROE.

WASHINGTON, *May 11, 1820.*

To the Senate of the United States:

I transmit herewith to the Senate a report from the Secretary of State, together with the returns of causes depending in the courts of the United States, collected conformably to a resolution of the Senate of the 18th of January, 1819.

JAMES MONROE.

WASHINGTON, *May 12, 1820.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit to the House of Representatives a report from the Secretary of State, with the document prepared in pursuance of a resolution of the House of the 14th ultimo, on the subject of claims of citizens of the United States for Spanish spoliations upon their property and commerce.

JAMES MONROE.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 3d of March, 1815, so much of the several acts imposing duties on the ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States and between goods imported into the United States in foreign vessels and vessels of the United States were repealed so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong, such repeal to take effect in favor of any foreign nation whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation so far as they operate to the disadvantage of the United States have been abolished; and

Whereas satisfactory proof has been received by me from the burgomasters and senate of the free and Hanseatic city of Lubeck that from and after the 30th day of October, 1819, all discriminating or countervailing duties of the said city so far as they operated to the disadvantage of the United States have been and are abolished:

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between vessels of the free and Hanseatic city of Lubeck and vessels of the United States and between goods imported into the United States in vessels of Lubeck and vessels of the United States are repealed so far as the same respect the produce or manufacture of the said free Hanseatic city of Lubeck.

Given under my hand, at the city of Washington, this 4th day of May, A. D. 1820, and forty-fourth year of the Independence of the United States. JAMES MONROE.

[SEAL.]

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

FOURTH ANNUAL MESSAGE.

WASHINGTON, *November 14, 1820.*

Fellow-Citizens of the Senate and of the House of Representatives:

In communicating to you a just view of public affairs at the commencement of your present labors, I do it with great satisfaction, because, taking all circumstances into consideration which claim attention, I see much cause to rejoice in the felicity of our situation. In making this remark

I do not wish to be understood to imply that an unvaried prosperity is to be seen in every interest of this great community. In the progress of a nation inhabiting a territory of such vast extent and great variety of climate, every portion of which is engaged in foreign commerce and liable to be affected in some degree by the changes which occur in the condition and regulations of foreign countries, it would be strange if the produce of our soil and the industry and enterprise of our fellow-citizens received at all times and in every quarter an uniform and equal encouragement. This would be more than we would have a right to expect under circumstances the most favorable. Pressures on certain interests, it is admitted, have been felt; but allowing to these their greatest extent, they detract but little from the force of the remarks already made. In forming a just estimate of our present situation it is proper to look at the whole in the outline as well as in the detail. A free, virtuous, and enlightened people know well the great principles and causes on which their happiness depends, and even those who suffer most occasionally in their transitory concerns find great relief under their sufferings from the blessings which they otherwise enjoy and in the consoling and animating hope which they administer. From whence do these pressures come? Not from a government which is founded by, administered for, and supported by the people. We trace them to the peculiar character of the epoch in which we live, and to the extraordinary occurrences which have signalized it. The convulsions with which several of the powers of Europe have been shaken and the long and destructive wars in which all were engaged, with their sudden transition to a state of peace, presenting in the first instance unusual encouragement to our commerce and withdrawing it in the second even within its wonted limit, could not fail to be sensibly felt here. The station, too, which we had to support through this long conflict, compelled as we were finally to become a party to it with a principal power, and to make great exertions, suffer heavy losses, and to contract considerable debts, disturbing the ordinary course of affairs by augmenting to a vast amount the circulating medium, and thereby elevating at one time the price of every article above a just standard and depressing it at another below it, had likewise its due effect.

It is manifest that the pressures of which we complain have proceeded in a great measure from these causes. When, then, we take into view the prosperous and happy condition of our country in all the great circumstances which constitute the felicity of a nation—every individual in the full enjoyment of all his rights, the Union blessed with plenty and rapidly rising to greatness under a National Government which operates with complete effect in every part without being felt in any except by the ample protection which it affords, and under State governments which perform their equal share, according to a wise distribution of power between them, in promoting the public happiness—it is impossible to behold so gratifying, so glorious a spectacle without being penetrated with the

most profound and grateful acknowledgments to the Supreme Author of All Good for such manifold and inestimable blessings. Deeply impressed with these sentiments, I can not regard the pressures to which I have adverted otherwise than in the light of mild and instructive admonitions, warning us of dangers to be shunned in future, teaching us lessons of economy corresponding with the simplicity and purity of our institutions and best adapted to their support, evincing the connection and dependence which the various parts of our happy Union have on each other, thereby augmenting daily our social incorporation and adding by its strong ties new strength and vigor to the political; opening a wider range, and with new encouragement, to the industry and enterprise of our fellow-citizens at home and abroad, and more especially by the multiplied proofs which it has accumulated of the great perfection of our most excellent system of government, the powerful instrument in the hands of our All-merciful Creator in securing to us these blessings.

Happy as our situation is, it does not exempt us from solicitude and care for the future. On the contrary, as the blessings which we enjoy are great, proportionably great should be our vigilance, zeal, and activity to preserve them. Foreign wars may again expose us to new wrongs, which would impose on us new duties for which we ought to be prepared. The state of Europe is unsettled, and how long peace may be preserved is altogether uncertain; in addition to which we have interests of our own to adjust which will require particular attention. A correct view of our relations with each power will enable you to form a just idea of existing difficulties, and of the measures of precaution best adapted to them.

Respecting our relations with Spain nothing explicit can now be communicated. On the adjournment of Congress in May last the minister plenipotentiary of the United States at Madrid was instructed to inform the Government of Spain that if His Catholic Majesty should then ratify the treaty this Government would accept the ratification so far as to submit to the decision of the Senate the question whether such ratification should be received in exchange for that of the United States heretofore given. By letters from the minister of the United States to the Secretary of State it appears that a communication in conformity with his instructions had been made to the Government of Spain, and that the Cortes had the subject under consideration. The result of the deliberations of that body, which is daily expected, will be made known to Congress as soon as it is received. The friendly sentiment which was expressed on the part of the United States in the message of the 9th of May last is still entertained for Spain. Among the causes of regret, however, which are inseparable from the delay attending this transaction it is proper to state that satisfactory information has been received that measures have been recently adopted by designing persons to convert certain parts of the Province of East Florida into depots for the reception

of foreign goods, from whence to smuggle them into the United States. By opening a port within the limits of Florida, immediately on our boundary where there was no settlement, the object could not be misunderstood. An early accommodation of differences will, it is hoped, prevent all such fraudulent and pernicious practices, and place the relations of the two countries on a very amicable and permanent basis.

The commercial relations between the United States and the British colonies in the West Indies and on this continent have undergone no change, the British Government still preferring to leave that commerce under the restriction heretofore imposed on it on each side. It is satisfactory to recollect that the restraints resorted to by the United States were defensive only, intended to prevent a monopoly under British regulations in favor of Great Britain, as it likewise is to know that the experiment is advancing in a spirit of amity between the parties.

The question depending between the United States and Great Britain respecting the construction of the first article of the treaty of Ghent has been referred by both Governments to the decision of the Emperor of Russia, who has accepted the umpirage.

An attempt has been made with the Government of France to regulate by treaty the commerce between the two countries on the principle of reciprocity and equality. By the last communication from the minister plenipotentiary of the United States at Paris, to whom full power had been given, we learn that the negotiation had been commenced there; but serious difficulties having occurred, the French Government had resolved to transfer it to the United States, for which purpose the minister plenipotentiary of France had been ordered to repair to this city, and whose arrival might soon be expected. It is hoped that this important interest may be arranged on just conditions and in a manner equally satisfactory to both parties. It is submitted to Congress to decide, until such arrangement is made, how far it may be proper, on the principle of the act of the last session which augmented the tonnage duty on French vessels, to adopt other measures for carrying more completely into effect the policy of that act.

The act referred to, which imposed new tonnage on French vessels, having been in force from and after the 1st day of July, it has happened that several vessels of that nation which had been dispatched from France before its existence was known have entered the ports of the United States, and been subject to its operation, without that previous notice which the general spirit of our laws gives to individuals in similar cases. The object of that law having been merely to countervail the inequalities which existed to the disadvantage of the United States in their commercial intercourse with France, it is submitted also to the consideration of Congress whether, in the spirit of amity and conciliation which it is no less the inclination than the policy of the United States to preserve in their intercourse with other powers, it may not be proper to extend relief

to the individuals interested in those cases by exempting from the operation of the law all those vessels which have entered our ports without having had the means of previously knowing the existence of the additional duty.

The contest between Spain and the colonies, according to the most authentic information, is maintained by the latter with improved success. The unfortunate divisions which were known to exist some time since at Buenos Ayres it is understood still prevail. In no part of South America has Spain made any impression on the colonies, while in many parts, and particularly in Venezuela and New Grenada, the colonies have gained strength and acquired reputation, both for the management of the war in which they have been successful and for the order of the internal administration. The late change in the Government of Spain, by the reestablishment of the constitution of 1812, is an event which promises to be favorable to the revolution. Under the authority of the Cortes the Congress of Angostura was invited to open a negotiation for the settlement of differences between the parties, to which it was replied that they would willingly open the negotiation provided the acknowledgment of their independence was made its basis, but not otherwise. Of further proceedings between them we are uninformed. No facts are known to this Government to warrant the belief that any of the powers of Europe will take part in the contest, whence it may be inferred, considering all circumstances which must have weight in producing the result, that an adjustment will finally take place on the basis proposed by the colonies. To promote that result by friendly counsels with other powers, including Spain herself, has been the uniform policy of this Government.

In looking to the internal concerns of our country you will, I am persuaded, derive much satisfaction from a view of the several objects to which, in the discharge of your official duties, your attention will be drawn. Among these none holds a more important place than the public revenue, from the direct operation of the power by which it is raised on the people, and by its influence in giving effect to every other power of the Government. The revenue depends on the resources of the country, and the facility by which the amount required is raised is a strong proof of the extent of the resources and of the efficiency of the Government. A few prominent facts will place this great interest in a just light before you. On the 30th of September, 1815, the funded and floating debt of the United States was estimated at $119,635,558. If to this sum be added the amount of 5 per cent stock subscribed to the Bank of the United States, the amount of Mississippi stock and of the stock which was issued subsequently to that date, the balances ascertained to be due to certain States for military services and to individuals for supplies furnished and services rendered during the late war, the public debt may be estimated as amounting at that date, and as afterwards liquidated, to $158,713,049. On the 30th of September, 1820, it amounted to $91,993,883, having been

reduced in that interval by payments $66,879,165. During this term the expenses of the Government of the United States were likewise defrayed in every branch of the civil, military, and naval establishments; the public edifices in this city have been rebuilt with considerable additions; extensive fortifications have been commenced, and are in a train of execution; permanent arsenals and magazines have been erected in various parts of the Union; our Navy has been considerably augmented, and the ordnance, munitions of war, and stores of the Army and Navy, which were much exhausted during the war, have been replenished.

By the discharge of so large a proportion of the public debt and the execution of such extensive and important operations in so short a time a just estimate may be formed of the great extent of our national resources. The demonstration is the more complete and gratifying when it is recollected that the direct tax and excise were repealed soon after the termination of the late war, and that the revenue applied to these purposes has been derived almost wholly from other sources.

The receipts into the Treasury from every source to the 30th of September last have amounted to $16,794,107.66, whilst the public expenditures to the same period amounted to $16,871,534.72, leaving in the Treasury on that day a sum estimated at $1,950,000. For the probable receipts of the following year I refer you to the statement which will be transmitted from the Treasury.

The sum of $3,000,000 authorized to be raised by loan by an act of the last session of Congress has been obtained upon terms advantageous to the Government, indicating not only an increased confidence in the faith of the nation, but the existence of a large amount of capital seeking that mode of investment at a rate of interest not exceeding 5 per cent per annum.

It is proper to add that there is now due to the Treasury for the sale of public lands $22,996,545. In bringing this subject to view I consider it my duty to submit to Congress whether it may not be advisable to extend to the purchasers of these lands, in consideration of the unfavorable change which has occurred since the sales, a reasonable indulgence. It is known that the purchases were made when the price of every article had risen to its greatest height, and that the installments are becoming due at a period of great depression. It is presumed that some plan may be devised by the wisdom of Congress, compatible with the public interest, which would afford great relief to these purchasers.

Considerable progress has been made during the present season in examining the coast and its various bays and other inlets, in the collection of materials, and in the construction of fortifications for the defense of the Union at several of the positions at which it has been decided to erect such works. At Mobile Point and Dauphin Island, and at the Rigolets, leading to Lake Pontchartrain, materials to a considerable amount have been collected, and all the necessary preparations made for the commencement

of the works. At Old Point Comfort, at the mouth of James River, and at the Rip-Rap, on the opposite shore in the Chesapeake Bay, materials to a vast amount have been collected; and at the Old Point some progress has been made in the construction of the fortification, which is on a very extensive scale. The work at Fort Washington, on this river, will be completed early in the next spring, and that on the Pea Patch, in the Delaware, in the course of the next season. Fort Diamond, at the Narrows, in the harbor of New York, will be finished this year. The works at Boston, New York, Baltimore, Norfolk, Charleston, and Niagara have been in part repaired, and the coast of North Carolina, extending south to Cape Fear, has been examined, as have likewise other parts of the coast eastward of Boston. Great exertions have been made to push forward these works with the utmost dispatch possible; but when their extent is considered, with the important purposes for which they are intended—the defense of the whole coast, and, in consequence, of the whole interior—and that they are to last for ages, it will be manifest that a well-digested plan, founded on military principles, connecting the whole together, combining security with economy, could not be prepared without repeated examinations of the most exposed and difficult parts, and that it would also take considerable time to collect the materials at the several points where they would be required. From all the light that has been shed on this subject I am satisfied that every favorable anticipation which has been formed of this great undertaking will be verified, and that when completed it will afford very great if not complete protection to our Atlantic frontier in the event of another war—a protection sufficient to counterbalance in a single campaign with an enemy powerful at sea the expense of all these works, without taking into the estimate the saving of the lives of so many of our citizens, the protection of our towns and other property, or the tendency of such works to prevent war.

Our military positions have been maintained at Belle Point, on the Arkansas, at Council Bluffs, on the Missouri, at St. Peters, on the Mississippi, and at Green Bay, on the upper Lakes. Commodious barracks have already been erected at most of these posts, with such works as were necessary for their defense. Progress has also been made in opening communications between them and in raising supplies at each for the support of the troops by their own labor, particularly those most remote.

With the Indians peace has been preserved and a progress made in carrying into effect the act of Congress making an appropriation for their civilization, with the prospect of favorable results. As connected equally with both these objects, our trade with those tribes is thought to merit the attention of Congress. In their original state game is their sustenance and war their occupation, and if they find no employment from civilized powers they destroy each other. Left to themselves their extirpation is inevitable. By a judicious regulation of our trade with them we supply their wants, administer to their comforts, and gradually, as the

game retires, draw them to us. By maintaining posts far in the interior we acquire a more thorough and direct control over them, without which it is confidently believed that a complete change in their manners can never be accomplished. By such posts, aided by a proper regulation of our trade with them and a judicious civil administration over them, to be provided for by law, we shall, it is presumed, be enabled not only to protect our own settlements from their savage incursions and preserve peace among the several tribes, but accomplish also the great purpose of their civilization.

Considerable progress has also been made in the construction of ships of war, some of which have been launched in the course of the present year.

Our peace with the powers on the coast of Barbary has been preserved, but we owe it altogether to the presence of our squadron in the Mediterranean. It has been found equally necessary to employ some of our vessels for the protection of our commerce in the Indian Sea, the Pacific, and along the Atlantic coast. The interests which we have depending in those quarters, which have been much improved of late, are of great extent and of high importance to the nation as well as to the parties concerned, and would undoubtedly suffer if such protection was not extended to them. In execution of the law of the last session for the suppression of the slave trade some of our public ships have also been employed on the coast of Africa, where several captures have already been made of vessels engaged in that disgraceful traffic.

JAMES MONROE.

SPECIAL MESSAGES.

DECEMBER 12, 1820.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 6th of December, requesting that the agent employed under the act entitled "An act authorizing the purchase of fire engines and building houses for the safekeeping of the same" should report in the manner stated in the said resolution his conduct in execution of the said act, I now transmit to the Senate a report from the agent, which communicates all the information which has been desired.

JAMES MONROE.

DECEMBER 14, 1820.

To the Senate of the United States:

I submit to the consideration of the Senate, for their advice and consent as to the ratification, the following treaties, concluded with the several

Indian tribes therein mentioned since the last session of Congress, with their documents, viz: With the Weas, Kickapoos, Chippeways, Ottawas, Choctaws, and Mahas; and also a treaty with the Kickapoos amended as proposed by a resolution of the Senate at their last session.

JAMES MONROE.

WASHINGTON, *December 14, 1820.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 21st November last, requesting the President to lay before the House information relating to the progress and expenditures of the commissioners under the fifth, sixth, and seventh articles of the treaty of Ghent, I now transmit a report from the Secretary of State, with documents containing all the information in the possession of that Department requested by the resolution.

JAMES MONROE.

WASHINGTON, *January 1, 1821.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 22d of November last, requesting the President to inform that House what naval force has been stationed for the protection of the commerce of our citizens in the West India Islands and parts adjacent during the present year, and whether any depredations by pirates or others upon the property of citizens of the United States engaged in such commerce have been reported to our Government, I now submit for the information of the House a report from the Secretary of the Navy, with accompanying documents, which contains all the information in the possession of the Government required by that resolution.

JAMES MONROE.

WASHINGTON, *January 4, 1821.*

To the House of Representatives:

I communicate to the House of Representatives a report from the Secretary of State, which, with the papers accompanying it, contains all the information in the possession of the Executive requested by a resolution of the House of the 4th December last, on the subject of the African slave trade.

JAMES MONROE.

WASHINGTON, *January 4, 1821.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 15th of December last, requesting the President of the United States to

cause to be laid before that House a statement of expenditures and receipts in the Indian Department; also the nature and extent of the contracts entered into, and with whom, from the 2d of March, 1811, to the present period, I now transmit a letter from the Secretary of War, with a report of the superintendent of Indian trade, which contains the information desired.

JAMES MONROE.

WASHINGTON, *January 12, 1821.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with the inclosed documents, relating to the negotiation for the suppression of the slave trade, which should have accompanied a message on that subject communicated to the House some time since, but which were accidentally omitted.

JAMES MONROE.

WASHINGTON, *January 18, 1821.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 4th instant, "requesting the President of the United States to communicate to the Senate any information he may have as to the power or authority which belonged to Don John Bonaventure Morales and to the Baron Carondelet to grant and dispose of the lands of Spain in Louisiana previously to the year 1803," I transmit a report from the Secretary of the Treasury, submitting a letter of the Commissioner of the General Land Office, with the document to which it refers.

JAMES MONROE.

WASHINGTON, *January 18, 1821.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives requesting the President to inform the House, if in his opinion proper, whether any, and, if any, what, negotiations since the 1st of January, 1816, have been had with the Six Nations of Indians, or any portion of them, who the commissioners or agents were, the objects of the negotiation, the expenses of the same, the compensation of each commissioner, secretary, or agent, and to whom the moneys were paid, I now transmit a report from the Secretary of War communicating the information desired.

JAMES MONROE.

WASHINGTON, *January 31, 1821.*

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of the Treasury submitting copies of the instructions given to the commissioners appointed under the act of the 15th of May, 1820, authorizing the location of a road from Wheeling, in the State of Virginia, to a point on the left bank of the Mississippi River between St. Louis and the mouth of the Illinois River, and copies of the report made by the said commissioners to the Treasury Department of the progress they have made in the execution of the duties prescribed by the said act, together with maps of the country through which the location is to be made.

JAMES MONROE.

To the Senate of the United States: FEBRUARY 5, 1821.

I herewith transmit, in confidence, to the Senate reports from the Secretary of State and of the Treasury, with the papers containing the correspondence and the information in possession of the Government the communication of which was requested by the resolution of the Senate of the 23d of last month. It is desired that the original letters may, when the Senate shall have no further use for them, be returned.

JAMES MONROE.

To the Senate of the United States: FEBRUARY 8, 1821.

In compliance with a resolution of the Senate of the 1st instant, requesting the President of the United States "to cause to be laid before the Senate any information he may have in relation to the claims of citizens of Georgia against the Creek Nation of Indians, and why these claims, if any exist, have not been heretofore adjusted and settled under the provisions of the treaties of 1790 and 1796," I now transmit a report from the Secretary of War, with accompanying documents, which contains all the information on this subject in the possession of the Executive.

JAMES MONROE.

To the Senate of the United States: FEBRUARY 13, 1821.

The ratification by the Spanish Government of the treaty of amity, settlement, and limits between the United States and Spain, signed on the 22d of February, 1819, and on the 24th of that month ratified on the part of the United States, has been received by the envoy extraordinary and minister plenipotentiary of that power at this place, who has given notice that he is ready to exchange the ratifications.

By the sixteenth article of that treaty it was stipulated that the ratifications should be exchanged within six months from the day of its

signature, which time having elapsed before the ratification of Spain was given, a copy and translation thereof are now transmitted to the Senate for their advice and consent to receive it in exchange for the ratification of the United States heretofore executed.

The treaty was submitted to the consideration of the Cortes of that Kingdom before its ratification, which was finally given with their assent and sanction. The correspondence between the Spanish minister of foreign affairs and the minister of the United States at Madrid on that occasion is also herewith communicated to the Senate, together with a memorandum by the Secretary of State of his conference with the Spanish envoy here yesterday, when that minister gave notice of his readiness to exchange the ratifications.

The return of the original papers now transmitted, to avoid the delay necessary to the making of copies, is requested.

JAMES MONROE.

WASHINGTON, *February 22, 1821.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 16th instant, requesting "the President of the United States to cause to be laid before the Senate the original order for building the barracks at Sacketts Harbor, together with all communications between the War Department and Major-General Brown relative thereto, and the amount of public moneys expended thereon," I now transmit a report from the Secretary of War, with the papers inclosed, which contains the information desired.

JAMES MONROE.

WASHINGTON, *February 22, 1821.*

To the Senate and House of Representatives of the United States:

The treaty of amity, settlement, and limits between the United States and Spain, signed on the 22d of February, 1819, having been ratified by the contracting parties, and the ratifications having been exchanged, it is herewith communicated to Congress, that such legislative measures may be taken as they shall judge proper for carrying the same into execution.

JAMES MONROE.

WASHINGTON, *February 24, 1821.*

To the Senate and House of Representatives of the United States:

I transmit to Congress a letter from the Secretary of War, inclosing an annual return of the militia of the United States, prepared by the Adjutant and Inspector General conformably to the militia laws on that subject.

JAMES MONROE.

WASHINGTON, *February 28, 1821.*

To the Senate and House of Representatives of the United States:

I herewith transmit to Congress certain extracts and a copy of letters received by the Secretary of State from the marshal of the United States for the eastern district of Virginia, in relation to the execution of the act of the 14th of March, 1820, to provide for taking the Fourth Census, together with the answers returned to that marshal by the Secretary of State. As the time within which the assistants of the marshals can legally make their returns expired on the first Monday of the present month, it would appear by the information from the marshal at Richmond that the completion of the Fourth Census as it respects the eastern district of Virginia will have been defeated not only as it regards the period contemplated by law, but during the whole of the current year, unless Congress, to whom the case is submitted, should by an act of the present session allow further time for making the returns in question.

As connected with this subject, it is also submitted for the consideration of Congress how far the marshals ought to be liable to the payment of postage on the conveyance of the papers concerning the census and manufactures by the mail. In one instance it has been already ascertained that this item of contingent expense will amount to nearly a moiety of the compensation of the marshal for the whole of his services. If the marshals are to be relieved from this charge, provision will be necessary by law either for the admission of it in their accounts or the refunding of it by the respective postmasters.

JAMES MONROE.

WASHINGTON, *March 2, 1821.*

To the Congress of the United States:

I communicate to the two Houses of Congress copies of a treaty this day ratified on the part of the United States, concluded and signed at the Indian Springs on the 8th of January last, with the Creek Nation of Indians, in order to such legislative measures as may be necessary for giving effect to it.

JAMES MONROE.

WASHINGTON, *March 3, 1821.*

To the House of Representatives of the United States:

The treaty concluded between the United States and the Kickapoo tribe of Indians on the 30th of July, 1820, having been ratified by and with the advice and consent of the Senate, I now lay a copy of the said treaty before the House of Representatives in order to such legislative provisions being made as may be necessary to carry into effect the stipulations therein contained on the part of the United States.

JAMES MONROE.

SECOND INAUGURAL ADDRESS.

FELLOW-CITIZENS: I shall not attempt to describe the grateful emotions which the new and very distinguished proof of the confidence of my fellow-citizens, evinced by my reelection to this high trust, has excited in my bosom. The approbation which it announces of my conduct in the preceding term affords me a consolation which I shall profoundly feel through life. The general accord with which it has been expressed adds to the great and never-ceasing obligations which it imposes. To merit the continuance of this good opinion, and to carry it with me into my retirement as the solace of advancing years, will be the object of my most zealous and unceasing efforts.

Having no pretensions to the high and commanding claims of my predecessors, whose names are so much more conspicuously identified with our Revolution, and who contributed so preeminently to promote its success, I consider myself rather as the instrument than the cause of the union which has prevailed in the late election. In surmounting, in favor of my humble pretensions, the difficulties which so often produce division in like occurrences, it is obvious that other powerful causes, indicating the great strength and stability of our Union, have essentially contributed to draw you together. That these powerful causes exist, and that they are permanent, is my fixed opinion; that they may produce a like accord in all questions touching, however remotely, the liberty, prosperity, and happiness of our country will always be the object of my most fervent prayers to the Supreme Author of All Good.

In a government which is founded by the people, who possess exclusively the sovereignty, it seems proper that the person who may be placed by their suffrages in this high trust should declare on commencing its duties the principles on which he intends to conduct the Administration. If the person thus elected has served the preceding term, an opportunity is afforded him to review its principal occurrences and to give such further explanation respecting them as in his judgment may be useful to his constituents. The events of one year have influence on those of another, and, in like manner, of a preceding on the succeeding Administration. The movements of a great nation are connected in all their parts. If errors have been committed they ought to be corrected; if the policy is sound it ought to be supported. It is by a thorough knowledge of the whole subject that our fellow-citizens are enabled to judge correctly of the past and to give a proper direction to the future.

Just before the commencement of the last term the United States had concluded a war with a very powerful nation on conditions equal and honorable to both parties. The events of that war are too recent and too deeply impressed on the memory of all to require a development from me. Our commerce had been in a great measure driven from the sea;

our Atlantic and inland frontiers were invaded in almost every part; the waste of life along our coast and on some parts of our inland frontiers, to the defense of which our gallant and patriotic citizens were called, was immense, in addition to which not less than $120,000,000 were added at its end to the public debt.

As soon as the war had terminated, the nation, admonished by its events, resolved to place itself in a situation which should be better calculated to prevent the recurrence of a like evil, and, in case it should recur, to mitigate its calamities. With this view, after reducing our land force to the basis of a peace establishment, which has been further modified since, provision was made for the construction of fortifications at proper points through the whole extent of our coast and such an augmentation of our naval force as should be well adapted to both purposes. The laws making this provision were passed in 1815 and 1816, and it has been since the constant effort of the Executive to carry them into effect.

The advantage of these fortifications and of an augmented naval force in the extent contemplated, in a point of economy, has been fully illustrated by a report of the Board of Engineers and Naval Commissioners lately communicated to Congress, by which it appears that in an invasion by 20,000 men, with a correspondent naval force, in a campaign of six months only, the whole expense of the construction of the works would be defrayed by the difference in the sum necessary to maintain the force which would be adequate to our defense with the aid of those works and that which would be incurred without them. The reason of this difference is obvious. If fortifications are judiciously placed on our great inlets, as distant from our cities as circumstances will permit, they will form the only points of attack, and the enemy will be detained there by a small regular force a sufficient time to enable our militia to collect and repair to that on which the attack is made. A force adequate to the enemy, collected at that single point, with suitable preparation for such others as might be menaced, is all that would be requisite. But if there were no fortifications, then the enemy might go where he pleased, and, changing his position and sailing from place to place, our force must be called out and spread in vast numbers along the whole coast and on both sides of every bay and river as high up in each as it might be navigable for ships of war. By these fortifications, supported by our Navy, to which they would afford like support, we should present to other powers an armed front from St. Croix to the Sabine, which would protect in the event of war our whole coast and interior from invasion; and even in the wars of other powers, in which we were neutral, they would be found eminently useful, as, by keeping their public ships at a distance from our cities, peace and order in them would be preserved and the Government be protected from insult.

It need scarcely be remarked that these measures have not been resorted to in a spirit of hostility to other powers. Such a disposition

does not exist toward any power. Peace and good will have been, and will hereafter be, cultivated with all, and by the most faithful regard to justice. They have been dictated by a love of peace, of economy, and an earnest desire to save the lives of our fellow-citizens from that destruction and our country from that devastation which are inseparable from war when it finds us unprepared for it. It is believed, and experience has shown, that such a preparation is the best expedient that can be resorted to to prevent war. I add with much pleasure that considerable progress has already been made in these measures of defense, and that they will be completed in a few years, considering the great extent and importance of the object, if the plan be zealously and steadily persevered in.

The conduct of the Government in what relates to foreign powers is always an object of the highest importance to the nation. Its agriculture, commerce, manufactures, fisheries, revenue, in short, its peace, may all be affected by it. Attention is therefore due to this subject.

At the period adverted to the powers of Europe, after having been engaged in long and destructive wars with each other, had concluded a peace, which happily still exists. Our peace with the power with whom we had been engaged had also been concluded. The war between Spain and the colonies in South America, which had commenced many years before, was then the only conflict that remained unsettled. This being a contest between different parts of the same community, in which other powers had not interfered, was not affected by their accommodations.

This contest was considered at an early stage by my predecessor a civil war in which the parties were entitled to equal rights in our ports. This decision, the first made by any power, being formed on great consideration of the comparative strength and resources of the parties, the length of time, and successful opposition made by the colonies, and of all other circumstances on which it ought to depend, was in strict accord with the law of nations. Congress has invariably acted on this principle, having made no change in our relations with either party. Our attitude has therefore been that of neutrality between them, which has been maintained by the Government with the strictest impartiality. No aid has been afforded to either, nor has any privilege been enjoyed by the one which has not been equally open to the other party, and every exertion has been made in its power to enforce the execution of the laws prohibiting illegal equipments with equal rigor against both.

By this equality between the parties their public vessels have been received in our ports on the same footing; they have enjoyed an equal right to purchase and export arms, munitions of war, and every other supply, the exportation of all articles whatever being permitted under laws which were passed long before the commencement of the contest; our citizens have traded equally with both, and their commerce with each has been alike protected by the Government.

Respecting the attitude which it may be proper for the United States to maintain hereafter between the parties, I have no hesitation in stating it as my opinion that the neutrality heretofore observed should still be adhered to. From the change in the Government of Spain and the negotiation now depending, invited by the Cortes and accepted by the colonies, it may be presumed that their differences will be settled on the terms proposed by the colonies. Should the war be continued, the United States, regarding its occurrences, will always have it in their power to adopt such measures respecting it as their honor and interest may require.

Shortly after the general peace a band of adventurers took advantage of this conflict and of the facility which it afforded to establish a system of buccaneering in the neighboring seas, to the great annoyance of the commerce of the United States, and, as was represented, of that of other powers. Of this spirit and of its injurious bearing on the United States strong proofs were afforded by the establishment at Amelia Island, and the purposes to which it was made instrumental by this band in 1817, and by the occurrences which took place in other parts of Florida in 1818, the details of which in both instances are too well known to require to be now recited. I am satisfied had a less decisive course been adopted that the worst consequences would have resulted from it. We have seen that these checks, decisive as they were, were not sufficient to crush that piratical spirit. Many culprits brought within our limits have been condemned to suffer death, the punishment due to that atrocious crime. The decisions of upright and enlightened tribunals fall equally on all whose crimes subject them, by a fair interpretation of the law, to its censure. It belongs to the Executive not to suffer the executions under these decisions to transcend the great purpose for which punishment is necessary. The full benefit of example being secured, policy as well as humanity equally forbids that they should be carried further. I have acted on this principle, pardoning those who appear to have been led astray by ignorance of the criminality of the acts they had committed, and suffering the law to take effect on those only in whose favor no extenuating circumstances could be urged.

Great confidence is entertained that the late treaty with Spain, which has been ratified by both the parties, and the ratifications whereof have been exchanged, has placed the relations of the two countries on a basis of permanent friendship. The provision made by it for such of our citizens as have claims on Spain of the character described will, it is presumed, be very satisfactory to them, and the boundary which is established between the territories of the parties westward of the Mississippi, heretofore in dispute, has, it is thought, been settled on conditions just and advantageous to both. But to the acquisition of Florida too much importance can not be attached. It secures to the United States a territory important in itself, and whose importance is much increased by its bearing on many of the highest interests of the Union. It opens to several

of the neighboring States a free passage to the ocean, through the Province ceded, by several rivers, having their sources high up within their limits. It secures us against all future annoyance from powerful Indian tribes. It gives us several excellent harbors in the Gulf of Mexico for ships of war of the largest size. It covers by its position in the Gulf the Mississippi and other great waters within our extended limits, and thereby enables the United States to afford complete protection to the vast and very valuable productions of our whole Western country, which find a market through those streams.

By a treaty with the British Government, bearing date on the 20th of October, 1818, the convention regulating the commerce between the United States and Great Britain, concluded on the 3d of July, 1815, which was about expiring, was revived and continued for the term of ten years from the time of its expiration. By that treaty, also, the differences which had arisen under the treaty of Ghent respecting the right claimed by the United States for their citizens to take and cure fish on the coast of His Britannic Majesty's dominions in America, with other differences on important interests, were adjusted to the satisfaction of both parties. No agreement has yet been entered into respecting the commerce between the United States and the British dominions in the West Indies and on this continent. The restraints imposed on that commerce by Great Britain, and reciprocated by the United States on a principle of defense, continue still in force.

The negotiation with France for the regulation of the commercial relations between the two countries, which in the course of the last summer had been commenced at Paris, has since been transferred to this city, and will be pursued on the part of the United States in the spirit of conciliation, and with an earnest desire that it may terminate in an arrangement satisfactory to both parties.

Our relations with the Barbary Powers are preserved in the same state and by the same means that were employed when I came into this office. As early as 1801 it was found necessary to send a squadron into the Mediterranean for the protection of our commerce, and no period has intervened, a short term excepted, when it was thought advisable to withdraw it. The great interests which the United States have in the Pacific, in commerce and in the fisheries, have also made it necessary to maintain a naval force there. In disposing of this force in both instances the most effectual measures in our power have been taken, without interfering with its other duties, for the suppression of the slave trade and of piracy in the neighboring seas.

The situation of the United States in regard to their resources, the extent of their revenue, and the facility with which it is raised affords a most gratifying spectacle. The payment of nearly $67,000,000 of the public debt, with the great progress made in measures of defense and in other improvements of various kinds since the late war, are conclusive

proofs of this extraordinary prosperity, especially when it is recollected that these expenditures have been defrayed without a burthen on the people, the direct tax and excise having been repealed soon after the conclusion of the late war, and the revenue applied to these great objects having been raised in a manner not to be felt. Our great resources therefore remain untouched for any purpose which may affect the vital interests of the nation. For all such purposes they are inexhaustible. They are more especially to be found in the virtue, patriotism, and intelligence of our fellow-citizens, and in the devotion with which they would yield up by any just measure of taxation all their property in support of the rights and honor of their country.

Under the present depression of prices, affecting all the productions of the country and every branch of industry, proceeding from causes explained on a former occasion, the revenue has considerably diminished, the effect of which has been to compel Congress either to abandon these great measures of defense or to resort to loans or internal taxes to supply the deficiency. On the presumption that this depression and the deficiency in the revenue arising from it would be temporary, loans were authorized for the demands of the last and present year. Anxious to relieve my fellow-citizens in 1817 from every burthen which could be dispensed with, and the state of the Treasury permitting it, I recommended the repeal of the internal taxes, knowing that such relief was then peculiarly necessary in consequence of the great exertions made in the late war. I made that recommendation under a pledge that should the public exigencies require a recurrence to them at any time while I remained in this trust, I would with equal promptitude perform the duty which would then be alike incumbent on me. By the experiment now making it will be seen by the next session of Congress whether the revenue shall have been so augmented as to be adequate to all these necessary purposes. Should the deficiency still continue, and especially should it be probable that it would be permanent, the course to be pursued appears to me to be obvious. I am satisfied that under certain circumstances loans may be resorted to with great advantage. I am equally well satisfied, as a general rule, that the demands of the current year, especially in time of peace, should be provided for by the revenue of that year.

I have never dreaded, nor have I ever shunned, in any situation in which I have been placed making appeals to the virtue and patriotism of my fellow-citizens, well knowing that they could never be made in vain, especially in times of great emergency or for purposes of high national importance. Independently of the exigency of the case, many considerations of great weight urge a policy having in view a provision of revenue to meet to a certain extent the demands of the nation, without relying altogether on the precarious resource of foreign commerce. I am satisfied that internal duties and excises, with corresponding imposts on foreign articles of the same kind, would, without imposing any serious burdens

on the people, enhance the price of produce, promote our manufactures, and augment the revenue, at the same time that they made it more secure and permanent.

The care of the Indian tribes within our limits has long been an essential part of our system, but, unfortunately, it has not been executed in a manner to accomplish all the objects intended by it. We have treated them as independent nations, without their having any substantial pretensions to that rank. The distinction has flattered their pride, retarded their improvement, and in many instances paved the way to their destruction. The progress of our settlements westward, supported as they are by a dense population, has constantly driven them back, with almost the total sacrifice of the lands which they have been compelled to abandon. They have claims on the magnanimity and, I may add, on the justice of this nation which we must all feel. We should become their real benefactors; we should perform the office of their Great Father, the endearing title which they emphatically give to the Chief Magistrate of our Union. Their sovereignty over vast territories should cease, in lieu of which the right of soil should be secured to each individual and his posterity in competent portions; and for the territory thus ceded by each tribe some reasonable equivalent should be granted, to be vested in permanent funds for the support of civil government over them and for the education of their children, for their instruction in the arts of husbandry, and to provide sustenance for them until they could provide it for themselves. My earnest hope is that Congress will digest some plan, founded on these principles, with such improvements as their wisdom may suggest, and carry it into effect as soon as it may be practicable.

Europe is again unsettled and the prospect of war increasing. Should the flame light up in any quarter, how far it may extend it is impossible to foresee. It is our peculiar felicity to be altogether unconnected with the causes which produce this menacing aspect elsewhere. With every power we are in perfect amity, and it is our interest to remain so if it be practicable on just conditions. I see no reasonable cause to apprehend variance with any power, unless it proceed from a violation of our maritime rights. In these contests, should they occur, and to whatever extent they may be carried, we shall be neutral; but as a neutral power we have rights which it is our duty to maintain. For like injuries it will be incumbent on us to seek redress in a spirit of amity, in full confidence that, injuring none, none would knowingly injure us. For more imminent dangers we should be prepared, and it should always be recollected that such preparation adapted to the circumstances and sanctioned by the judgment and wishes of our constituents can not fail to have a good effect in averting dangers of every kind. We should recollect also that the season of peace is best adapted to these preparations.

If we turn our attention, fellow-citizens, more immediately to the internal concerns of our country, and more especially to those on which its

future welfare depends, we have every reason to anticipate the happiest results. It is now rather more than forty-four years since we declared our independence, and thirty-seven since it was acknowledged. The talents and virtues which were displayed in that great struggle were a sure presage of all that has since followed. A people who were able to surmount in their infant state such great perils would be more competent as they rose into manhood to repel any which they might meet in their progress. Their physical strength would be more adequate to foreign danger, and the practice of self-government, aided by the light of experience, could not fail to produce an effect equally salutary on all those questions connected with the internal organization. These favorable anticipations have been realized.

In our whole system, national and State, we have shunned all the defects which unceasingly preyed on the vitals and destroyed the ancient Republics. In them there were distinct orders, a nobility and a people, or the people governed in one assembly. Thus, in the one instance there was a perpetual conflict between the orders in society for the ascendency, in which the victory of either terminated in the overthrow of the government and the ruin of the state; in the other, in which the people governed in a body, and whose dominions seldom exceeded the dimensions of a county in one of our States, a tumultuous and disorderly movement permitted only a transitory existence. In this great nation there is but one order, that of the people, whose power, by a peculiarly happy improvement of the representative principle, is transferred from them, without impairing in the slightest degree their sovereignty, to bodies of their own creation, and to persons elected by themselves, in the full extent necessary for all the purposes of free, enlightened, and efficient government. The whole system is elective, the complete sovereignty being in the people, and every officer in every department deriving his authority from and being responsible to them for his conduct.

Our career has corresponded with this great outline. Perfection in our organization could not have been expected in the outset either in the National or State Governments or in tracing the line between their respective powers. But no serious conflict has arisen, nor any contest but such as are managed by argument and by a fair appeal to the good sense of the people, and many of the defects which experience had clearly demonstrated in both Governments have been remedied. By steadily pursuing this course in this spirit there is every reason to believe that our system will soon attain the highest degree of perfection of which human institutions are capable, and that the movement in all its branches will exhibit such a degree of order and harmony as to command the admiration and respect of the civilized world.

Our physical attainments have not been less eminent. Twenty-five years ago the river Mississippi was shut up and our Western brethren had no outlet for their commerce. What has been the progress since

that time? The river has not only become the property of the United States from its source to the ocean, with all its tributary streams (with the exception of the upper part of the Red River only), but Louisiana, with a fair and liberal boundary on the western side and the Floridas on the eastern, have been ceded to us. The United States now enjoy the complete and uninterrupted sovereignty over the whole territory from St. Croix to the Sabine. New States, settled from among ourselves in this and in other parts, have been admitted into our Union in equal participation in the national sovereignty with the original States. Our population has augmented in an astonishing degree and extended in every direction. We now, fellow-citizens, comprise within our limits the dimensions and faculties of a great power under a Government possessing all the energies of any government ever known to the Old World, with an utter incapacity to oppress the people.

Entering with these views the office which I have just solemnly sworn to execute with fidelity and to the utmost of my ability, I derive great satisfaction from a knowledge that I shall be assisted in the several Departments by the very enlightened and upright citizens from whom I have received so much aid in the preceding term. With full confidence in the continuance of that candor and generous indulgence from my fellow-citizens at large which I have heretofore experienced, and with a firm reliance on the protection of Almighty God, I shall forthwith commence the duties of the high trust to which you have called me.

MARCH 5, 1821.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas information has been received that an atrocious murder, aggravated by the additional crime of robbery, was, on the 6th or 7th day of this present month, committed in the county of Alexandria and District of Columbia on William Seaver, late of this city; and

Whereas the apprehension and punishment of the murderer or murderers and his or their accessary or accessaries will be an example due to justice and humanity and every way salutary in its operation:

I have therefore thought fit to issue this my proclamation, hereby exhorting the citizens of the United States, and particularly those of this District, and requiring all officers, according to their respective stations, to use their utmost endeavors to apprehend and bring the principal or principals, accessary or accessaries, to the said murder to justice.

And I do moreover offer a reward of $300 for each principal, if there be more than one, and $150 for each accessary before the fact, if there be more than one, who shall be apprehended after the day of the date hereof and brought to justice, to be paid upon his conviction of the crime or crimes aforesaid.

In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

[SEAL.] Done at the city of Washington, this 10th day of July, A. D. 1821, and of the Independence of the United States the forty-sixth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas the Congress of the United States, by a joint resolution of the 2d day of March last, entitled "Resolution providing for the admission of the State of Missouri into the Union on a certain condition," did determine and declare "that Missouri should be admitted into this Union on an equal footing with the original States in all respects whatever upon the fundamental condition that the fourth clause of the twenty-sixth section of the third article of the constitution submitted on the part of said State to Congress shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States of this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States: *Provided*, That the legislature of said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States on or before the first Monday in November next an authentic copy of said act, upon the receipt whereof the President, by proclamation, shall announce the fact, whereupon, and without any further proceeding on the part of Congress, the admission of the said State into this Union shall be considered as complete;" and

Whereas by a solemn public act of the assembly of said State of Missouri, passed on the 26th of June, in the present year, entitled "A solemn public act declaring the assent of this State to the fundamental condition contained in a resolution passed by the Congress of the United States providing for the admission of the State of Missouri into the Union on a certain condition," an authentic copy whereof has been communicated to me, it is solemnly and publicly enacted and declared that that State has

assented, and does assent, that the fourth clause of the twenty-sixth section of the third article of the constitution of said State "shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the United States shall be excluded from the enjoyment of any of the privileges and immunities to which such citizens are entitled under the Constitution of the United States:"

Now, therefore, I, James Monroe, President of the United States, in pursuance of the resolution of Congress aforesaid, have issued this my proclamation, announcing the fact that the said State of Missouri has assented to the fundamental condition required by the resolution of Congress aforesaid, whereupon the admission of the said State of Missouri into this Union is declared to be complete.

In testimony whereof I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand.

[SEAL.] Done at the city of Washington, the 10th day of August, A. D. 1821, and of the Independence of the said United States of America the forty-sixth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 3d of March, 1815, so much of the several acts imposing duties on the ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States and between goods imported into the United States in foreign vessels and vessels of the United States were repealed so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong, such repeal to take effect in favor of any foreign nation whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation so far as they operate to the disadvantage of the United States have been abolished; and

Whereas satisfactory proof has been received by me, through the chargé d'affaires of the United States in Sweden, under date of the 30th day of January, 1821, that thenceforward all discriminating or countervailing duties in the Kingdom of Norway so far as they operated to the disadvantage of the United States had been and were abolished:

Now, therefore, I, James Monroe, President of the United States of

America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between vessels of the Kingdom of Norway and vessels of the United States and between goods imported into the United States in vessels of the said Kingdom of Norway and vessels of the United States are repealed so far as the same respect the produce or manufacture of the said Kingdom of Norway.

Given under my hand, at the city of Washington, this 20th day of August, A. D. 1821, and the forty-sixth year of the Independence of the United States.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 3d of March, 1815, so much of the several acts imposing duties on the ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between foreign vessels and vessels of the United States and between goods imported into the United States in foreign vessels and vessels of the United States were repealed so far as the same respected the produce or manufacture of the nation to which such foreign ship or vessel might belong, such repeal to take effect in favor of any foreign nation whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation so far as they operate to the disadvantage of the United States have been abolished; and

Whereas satisfactory proof has been received by me, under date of the 11th of May last, that thenceforward all discriminating or countervailing duties of the Dukedom of Oldenburg so far as they might operate to the disadvantage of the United States should be and were abolished upon His Highness the Duke of Oldenburg's being duly certified of a reciprocal act on the part of the United States:

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between vessels of the Dukedom of Oldenburg and vessels of the United States and between goods imported into the United States in vessels of the said Dukedom of Oldenburg and vessels

of the United States are repealed so far as the same respect the produce or manufacture of the said Dukedom of Oldenburg.

Given under my hand, at the city of Washington, this 22d day of November, A. D. 1821, and the forty-sixth year of the Independence of the United States.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

FIFTH ANNUAL MESSAGE.

WASHINGTON, *December 3, 1821.*

Fellow-Citizens of the Senate and of the House of Representatives:

The progress of our affairs since the last session has been such as may justly be claimed and expected under a Government deriving all its powers from an enlightened people, and under laws formed by their representatives, on great consideration, for the sole purpose of promoting the welfare and happiness of their constituents. In the execution of those laws and of the powers vested by the Constitution in the Executive, unremitted attention has been paid to the great objects to which they extend. In the concerns which are exclusively internal there is good cause to be satisfied with the result. The laws have had their due operation and effect. In those relating to foreign powers, I am happy to state that peace and amity are preserved with all by a strict observance on both sides of the rights of each. In matters touching our commercial intercourse, where a difference of opinion has existed as to the conditions on which it should be placed, each party has pursued its own policy without giving just cause of offense to the other. In this annual communication, especially when it is addressed to a new Congress, the whole scope of our political concerns naturally comes into view, that errors, if such have been committed, may be corrected; that defects which have become manifest may be remedied; and, on the other hand, that measures which were adopted on due deliberation, and which experience has shewn are just in themselves and essential to the public welfare, should be persevered in and supported. In performing this necessary and very important duty I shall endeavor to place before you on its merits every subject that is thought to be entitled to your particular attention in as distinct and clear a light as I may be able.

By an act of the 3d of March, 1815, so much of the several acts as imposed higher duties on the tonnage of foreign vessels and on the manufactures and productions of foreign nations when imported into the United States in foreign vessels than when imported in vessels of the

United States were repealed so far as respected the manufactures and productions of the nation to which such vessels belonged, on the condition that the repeal should take effect only in favor of any foreign nation when the Executive should be satisfied that such discriminating duties to the disadvantage of the United States had likewise been repealed by such nation. By this act a proposition was made to all nations to place our commerce with each on a basis which it was presumed would be acceptable to all. Every nation was allowed to bring its manufactures and productions into our ports and to take the manufactures and productions of the United States back to their ports in their own vessels on the same conditions that they might be transported in vessels of the United States, and in return it was required that a like accommodation should be granted to the vessels of the United States in the ports of other powers. The articles to be admitted or prohibited on either side formed no part of the proposed arrangement. Each party would retain the right to admit or prohibit such articles from the other as it thought proper, and on its own conditions.

When the nature of the commerce between the United States and every other country was taken into view, it was thought that this proposition would be considered fair, and even liberal, by every power. The exports of the United States consist generally of articles of the first necessity and of rude materials in demand for foreign manufactories, of great bulk, requiring for their transportation many vessels, the return for which in the manufactures and productions of any foreign country, even when disposed of there to advantage, may be brought in a single vessel. This observation is the more especially applicable to those countries from which manufactures alone are imported, but it applies in a great extent to the European dominions of every European power and in a certain extent to all the colonies of those powers. By placing, then, the navigation precisely on the same ground in the transportation of exports and imports between the United States and other countries it was presumed that all was offered which could be desired. It seemed to be the only proposition which could be devised which would retain even the semblance of equality in our favor.

Many considerations of great weight gave us a right to expect that this commerce should be extended to the colonies as well as to the European dominions of other powers. With the latter, especially with countries exclusively manufacturing, the advantage was manifestly on their side. An indemnity for that loss was expected from a trade with the colonies, and with the greater reason as it was known that the supplies which the colonies derived from us were of the highest importance to them, their labor being bestowed with so much greater profit in the culture of other articles; and because, likewise, the articles of which those supplies consisted, forming so large a proportion of the exports of the United States, were never admitted into any of the ports of Europe except in cases of

great emergency to avert a serious calamity. When no article is admitted which is not required to supply the wants of the party admitting it, and admitted then not in favor of any particular country to the disadvantage of others, but on conditions equally applicable to all, it seems just that the articles thus admitted and invited should be carried thither in the vessels of the country affording such supply and that the reciprocity should be found in a corresponding accommodation on the other side. By allowing each party to participate in the transportation of such supplies on the payment of equal tonnage a strong proof was afforded of an accommodating spirit. To abandon to it the transportation of the whole would be a sacrifice which ought not to be expected. The demand in the present instance would be the more unreasonable in consideration of the great inequality existing in the trade with the parent country.

Such was the basis of our system as established by the act of 1815 and such its true character. In the year in which this act was passed a treaty was concluded with Great Britain, in strict conformity with its principles, in regard to her European dominions. To her colonies, however, in the West Indies and on this continent it was not extended, the British Government claiming the exclusive supply of those colonies, and from our own ports, and of the productions of the colonies in return in her own vessels. To this claim the United States could not assent, and in consequence each party suspended the intercourse in the vessels of the other by a prohibition which still exists.

The same conditions were offered to France, but not accepted. Her Government has demanded other conditions more favorable to her navigation, and which should also give extraordinary encouragement to her manufactures and productions in ports of the United States. To these it was thought improper to accede, and in consequence the restrictive regulations which had been adopted on her part, being countervailed on the part of the United States, the direct commerce between the two countries in the vessels of each party has been in a great measure suspended. It is much to be regretted that, although a negotiation has been long pending, such is the diversity of views entertained on the various points which have been brought into discussion that there does not appear to be any reasonable prospect of its early conclusion.

It is my duty to state, as a cause of very great regret, that very serious differences have occurred in this negotiation respecting the construction of the eighth article of the treaty of 1803, by which Louisiana was ceded to the United States, and likewise respecting the seizure of the *Apollo*, in 1820, for a violation of our revenue laws. The claim of the Government of France has excited not less surprise than concern, because there does not appear to be a just foundation for it in either instance. By the eighth article of the treaty referred to it is stipulated that after the expiration of twelve years, during which time it was provided by the seventh or preceding article that the vessels of France and Spain should be admitted

into the ports of the ceded territory without paying higher duties on merchandise or tonnage on the vessels than such as were paid by citizens of the United States, the ships of France should forever afterwards be placed on the footing of the most favored nation. By the obvious construction of this article it is presumed that it was intended that no favor should be granted to any power in those ports to which France should not be forthwith entitled, nor should any accommodation be allowed to another power on conditions to which she would not also be entitled on the same conditions. Under this construction no favor or accommodation could be granted to any power to the prejudice of France. By allowing the equivalent allowed by those powers she would always stand in those ports on the footing of the most favored nation. But if this article should be so construed as that France should enjoy, of right, and without paying the equivalent, all the advantages of such conditions as might be allowed to other powers in return for important concessions made by them, then the whole character of the stipulation would be changed. She would not be placed on the footing of the most favored nation, but on a footing held by no other nation. She would enjoy all advantages allowed to them in consideration of like advantages allowed to us, free from every and any condition whatever.

As little cause has the Government of France to complain of the seizure of the *Apollo* and the removal of other vessels from the waters of the St. Marys. It will not be denied that every nation has a right to regulate its commercial system as it thinks fit and to enforce the collection of its revenue, provided it be done without an invasion of the rights of other powers. The violation of its revenue laws is an offense which all nations punish, the punishment of which gives no just cause of complaint to the power to which the offenders belong, provided it be extended to all equally. In this case every circumstance which occurred indicated a fixed purpose to violate our revenue laws. Had the party intended to have pursued a fair trade he would have entered our ports and paid the duties; or had he intended to carry on a legitimate circuitous commerce with the United States he would have entered the port of some other power, landed his goods at the custom-house according to law, and reshipped and sent them in the vessel of such power, or of some other power which might lawfully bring them, free from such duties, to a port of the United States. But the conduct of the party in this case was altogether different. He entered the river St. Marys, the boundary line between the United States and Florida, and took his position on the Spanish side, on which in the whole extent of the river there was no town, no port or custom-house, and scarcely any settlement. His purpose, therefore, was not to sell his goods to the inhabitants of Florida, but to citizens of the United States, in exchange for their productions, which could not be done without a direct and palpable breach of our laws. It is known that a regular systematic plan had been formed by certain

persons for the violation of our revenue system, which made it the more necessary to check the proceeding in its commencement.

That the unsettled bank of a river so remote from the Spanish garrisons and population could give no protection to any party in such a practice is believed to be in strict accord with the law of nations. It would not have comported with a friendly policy in Spain herself to have established a custom-house there, since it could have subserved no other purpose than to elude our revenue law. But the Government of Spain did not adopt that measure. On the contrary, it is understood that the Captain-General of Cuba, to whom an application to that effect was made by these adventurers, had not acceded to it. The condition of those Provinces for many years before they were ceded to the United States need not now be dwelt on. Inhabited by different tribes of Indians and an inroad for every kind of adventurer, the jurisdiction of Spain may be said to have been almost exclusively confined to her garrisons. It certainly could not extend to places where she had no authority. The rules, therefore, applicable to settled countries governed by laws could not be deemed so to the deserts of Florida and to the occurrences there. It merits attention also that the territory had then been ceded to the United States by a treaty the ratification of which had not been refused, and which has since been performed. Under any circumstances, therefore, Spain became less responsible for such acts committed there, and the United States more at liberty to exercise authority to prevent so great a mischief. The conduct of this Government has in every instance been conciliatory and friendly to France. The construction of our revenue law in its application to the cases which have formed the ground of such serious complaint on her part and the order to the collector of St. Marys, in accord with it, were given two years before these cases occurred, and in reference to a breach which was attempted by the subjects of another power. The application, therefore, to the cases in question was inevitable. As soon as the treaty by which these Provinces were ceded to the United States was ratified, and all danger of further breach of our revenue laws ceased, an order was given for the release of the vessel which had been seized and for the dismission of the libel which had been instituted against her.

The principles of this system of reciprocity, founded on the law of the 3d of March, 1815, have been since carried into effect with the Kingdoms of the Netherlands, Sweden, Prussia, and with Hamburg, Bremen, Lubeck, and Oldenburg, with a provision made by subsequent laws in regard to the Netherlands, Prussia, Hamburg, and Bremen that such produce and manufactures as could only be, or most usually were, first shipped from the ports of those countries, the same being imported in vessels wholly belonging to their subjects, should be considered and admitted as their own manufactures and productions.

The Government of Norway has by an ordinance opened the ports of that part of the dominions of the King of Sweden to the vessels of the

United States upon the payment of no other or higher duties than are paid by Norwegian vessels, from whatever place arriving and with whatever articles laden. They have requested the reciprocal allowance for the vessels of Norway in the ports of the United States. As this privilege is not within the scope of the act of the 3d of March, 1815, and can only be granted by Congress, and as it may involve the commercial relations of the United States with other nations, the subject is submitted to the wisdom of Congress.

I have presented thus fully to your view our commercial relations with other powers, that, seeing them in detail with each power, and knowing the basis on which they rest, Congress may in its wisdom decide whether any change ought to be made, and, if any, in what respect. If this basis is unjust or unreasonable, surely it ought to be abandoned; but if it be just and reasonable, and any change in it will make concessions subversive of equality and tending in its consequences to sap the foundations of our prosperity, then the reasons are equally strong for adhering to the ground already taken, and supporting it by such further regulations as may appear to be proper, should any additional support be found necessary.

The question concerning the construction of the first article of the treaty of Ghent has been, by a joint act of the representatives of the United States and of Great Britain at the Court of St. Petersburg, submitted to the decision of His Imperial Majesty the Emperor of Russia. The result of that submission has not yet been received. The commissioners under the fifth article of that treaty not having been able to agree upon their decision, their reports to the two Governments, according to the provisions of the treaty, may be expected at an early day.

With Spain the treaty of February 22, 1819, has been partly carried into execution. Possession of East and West Florida has been given to the United States, but the officers charged with that service by an order from His Catholic Majesty, delivered by his minister to the Secretary of State, and transmitted by a special agent to the Captain-General of Cuba, to whom it was directed and in whom the government of those Provinces was vested, have not only omitted, in contravention of the order of their Sovereign, the performance of the express stipulation to deliver over the archives and documents relating to the property and sovereignty of those Provinces, all of which it was expected would have been delivered either before or when the troops were withdrawn, but defeated since every effort of the United States to obtain them, especially those of the greatest importance. This omission has given rise to several incidents of a painful nature, the character of which will be fully disclosed by the documents which will be hereafter communicated.

In every other circumstance the law of the 3d of March last, for carrying into effect that treaty, has been duly attended to. For the execution of that part which preserved in force, for the government of the

inhabitants for the term specified, all the civil, military, and judicial powers exercised by the existing government of those Provinces an adequate number of officers, as was presumed, were appointed, and ordered to their respective stations. Both Provinces were formed into one Territory, and a governor appointed for it; but in consideration of the preexisting division and of the distance and difficulty of communication between Pensacola, the residence of the governor of West Florida, and St. Augustine, that of the governor of East Florida, at which places the inconsiderable population of each Province was principally collected, two secretaries were appointed, the one to reside at Pensacola and the other at St. Augustine. Due attention was likewise paid to the execution of the laws of the United States relating to the revenue and the slave trade, which were extended to these Provinces. The whole Territory was divided into three collection districts, that part lying between the river St. Marys and Cape Florida forming one, that from the Cape to the Apalachicola another, and that from the Apalachicola to the Perdido the third. To these districts the usual number of revenue officers were appointed; and to secure the due operation of these laws one judge and a district attorney were appointed to reside at Pensacola, and likewise one judge and a district attorney to reside at St. Augustine, with a specified boundary between them; and one marshal for the whole, with authority to appoint a deputy. In carrying this law into effect, and especially that part relating to the powers of the existing government of those Provinces, it was thought important, in consideration of the short term for which it was to operate and the radical change which would be made at the approaching session of Congress, to avoid expense, to make no appointment which should not be absolutely necessary to give effect to those powers, to withdraw none of our citizens from their pursuits, whereby to subject the Government to claims which could not be gratified and the parties to losses which it would be painful to witness.

It has been seen with much concern that in the performance of these duties a collision arose between the governor of the Territory and the judge appointed for the western district. It was presumed that the law under which this transitory government was organized, and the commissions which were granted to the officers who were appointed to execute each branch of the system, and to which the commissions were adapted, would have been understood in the same sense by them in which they were understood by the Executive. Much allowance is due to officers employed in each branch of this system, and the more so as there is good cause to believe that each acted under the conviction that he possessed the power which he undertook to exercise. Of the officer holding the principal station, I think it proper to observe that he accepted it with reluctance, in compliance with the invitation given him, and from a high sense of duty to his country, being willing to contribute to the consummation of an event which would insure complete protection to an impor-

tant part of our Union, which had suffered much from incursion and invasion, and to the defense of which his very gallant and patriotic services had been so signally and usefully devoted.

From the intrinsic difficulty of executing laws deriving their origin from different sources, and so essentially different in many important circumstances, the advantage, and indeed the necessity, of establishing as soon as may be practicable a well-organized government over that Territory on the principles of our system is apparent. This subject is therefore recommended to the early consideration of Congress.

In compliance with an injunction of the law of the 3d of March last, three commissioners have also been appointed and a board organized for carrying into effect the eleventh article of the treaty above recited, making provision for the payment of such of our citizens as have well-founded claims on Spain of the character specified by that treaty. This board has entered on its duties and made some progress therein. The commissioner and surveyor of His Catholic Majesty, provided for by the fourth article of the treaty, have not yet arrived in the United States, but are soon expected. As soon as they do arrive corresponding appointments will be made and every facility be afforded for the due execution of this service.

The Government of His Most Faithful Majesty since the termination of the last session of Congress has been removed from Rio de Janeiro to Lisbon, where a revolution similar to that which had occurred in the neighboring Kingdom of Spain had in like manner been sanctioned by the accepted and pledged faith of the reigning monarch. The diplomatic intercourse between the United States and the Portuguese dominions, interrupted by this important event, has not yet been resumed, but the change of internal administration having already materially affected the commercial intercourse of the United States with the Portuguese dominions, the renewal of the public missions between the two countries appears to be desirable at an early day.

It is understood that the colonies in South America have had great success during the present year in the struggle for their independence. The new Government of Colombia has extended its territories and considerably augmented its strength, and at Buenos Ayres, where civil dissensions had for some time before prevailed, greater harmony and better order appear to have been established. Equal success has attended their efforts in the Provinces on the Pacific. It has long been manifest that it would be impossible for Spain to reduce these colonies by force, and equally so that no conditions short of their independence would be satisfactory to them. It may therefore be presumed, and it is earnestly hoped, that the Government of Spain, guided by enlightened and liberal councils, will find it to comport with its interests and due to its magnanimity to terminate this exhausting controversy on that basis. To promote this result by friendly counsel with the Government of Spain will be the object of the Government of the United States.

In conducting the fiscal operations of the year it has been found necessary to carry into full effect the act of the last session of Congress authorizing a loan of $5,000,000. This sum has been raised at an average premium of $5.59 per centum upon stock bearing an interest at the rate of 5 per cent per annum, redeemable at the option of the Government after the 1st day of January, 1835.

There has been issued under the provisions of this act $4,735,296.30 of 5 per cent stock, and there has been or will be redeemed during the year $3,197,030.71 of Louisiana 6 per cent deferred stock and Mississippi stock. There has therefore been an actual increase of the public debt contracted during the year of $1,538,266.69.

The receipts into the Treasury from the 1st of January to the 30th of September last have amounted to $16,219,197.70, which, with the balance of $1,198,461.21 in the Treasury on the former day, make the aggregate sum of $17,417,658.91. The payments from the Treasury during the same period have amounted to $15,655,288.47, leaving in the Treasury on the last-mentioned day the sum of $1,762,370.44. It is estimated that the receipts of the fourth quarter of the year will exceed the demands which will be made on the Treasury during the same period, and that the amount in the Treasury on the 30th of September last will be increased on the 1st day of January next.

At the close of the last session it was anticipated that the progressive diminution of the public revenue in 1819 and 1820, which had been the result of the languid state of our foreign commerce in those years, had in the latter year reached its extreme point of depression. It has, however, been ascertained that that point was reached only at the termination of the first quarter of the present year. From that time until the 30th of September last the duties secured have exceeded those of the corresponding quarters of the last year $1,172,000, whilst the amount of debentures issued during the three first quarters of this year is $952,000 less than that of the same quarters of the last year.

There are just grounds to believe that the improvement which has occurred in the revenue during the last-mentioned period will not only be maintained, but that it will progressively increase through the next and several succeeding years, so as to realize the results which were presented upon that subject by the official reports of the Treasury at the commencement of the last session of Congress.

Under the influence of the most unfavorable circumstances the revenue for the next and subsequent years to the year 1825 will exceed the demands at present authorized by law.

It may fairly be presumed that under the protection given to domestic manufactures by the existing laws we shall become at no distant period a manufacturing country on an extensive scale. Possessing as we do the raw materials in such vast amount, with a capacity to augment them to an indefinite extent; raising within the country aliment of every kind to

an amount far exceeding the demand for home consumption, even in the most unfavorable years, and to be obtained always at a very moderate price; skilled also, as our people are, in the mechanic arts and in every improvement calculated to lessen the demand for and the price of labor, it is manifest that their success in every branch of domestic industry may and will be carried, under the encouragement given by the present duties, to an extent to meet any demand which under a fair competition may be made upon it.

A considerable increase of domestic manufactures, by diminishing the importation of foreign, will probably tend to lessen the amount of the public revenue. As, however, a large proportion of the revenue which is derived from duties is raised from other articles than manufactures, the demand for which will increase with our population, it is believed that a fund will still be raised from that source adequate to the greater part of the public expenditures, especially as those expenditures, should we continue to be blessed with peace, will be diminished by the completion of the fortifications, dockyards, and other public works, by the augmentation of the Navy to the point to which it is proposed to carry it, and by the payment of the public debt, including pensions for military services.

It can not be doubted that the more complete our internal resources and the less dependent we are on foreign powers for every national as well as domestic purpose the greater and more stable will be the public felicity. By the increase of domestic manufactures will the demand for the rude materials at home be increased, and thus will the dependence of the several parts of our Union on each other and the strength of the Union itself be proportionably augmented. In this process, which is very desirable, and inevitable under the existing duties, the resources which obviously present themselves to supply a deficiency in the revenue, should it occur, are the interests which may derive the principal benefit from the change. If domestic manufactures are raised by duties on foreign, the deficiency in the fund necessary for public purposes should be supplied by duties on the former. At the last session it seemed doubtful whether the revenue derived from the present sources would be adequate to all the great purposes of our Union, including the construction of our fortifications, the augmentation of the Navy, and the protection of our commerce against the dangers to which it is exposed. Had the deficiency been such as to subject us to the necessity either to abandon those measures of defense or to resort to other means for adequate funds, the course presented to the adoption of a virtuous and enlightened people appeared to be a plain one. It must be gratifying to all to know that this necessity does not exist. Nothing, however, in contemplation of such important objects, which can be easily provided for, should be left to hazard. It is thought that the revenue may receive an augmentation from the existing sources, and in a manner to aid our manufactures, without hastening prematurely the result which has been suggested. It is believed that a

moderate additional duty on certain articles would have that effect, without being liable to any serious objection.

The examination of the whole coast, for the construction of permanent fortifications, from St. Croix to the Sabine, with the exception of part of the territory lately acquired, will be completed in the present year, as will be the survey of the Mississippi, under the resolution of the House of Representatives, from the mouth of the Ohio to the ocean, and likewise of the Ohio from Louisville to the Mississippi. A progress corresponding with the sums appropriated has also been made in the construction of these fortifications at the points designated. As they will form a system of defense for the whole maritime frontier, and in consequence for the interior, and are to last for ages, the greatest care has been taken to fix the position of each work and to form it on such a scale as will be adequate to the purpose intended by it. All the inlets and assailable parts of our Union have been minutely examined, and positions taken with a view to the best effect, observing in every instance a just regard for economy. Doubts, however, being entertained as to the propriety of the position and extent of the work at Dauphine Island, further progress in it was suspended soon after the last session of Congress, and an order given to the Board of Engineers and Naval Commissioners to make a further and more minute examination of it in both respects, and to report the result without delay.

Due progress has been made in the construction of vessels of war according to the law providing for the gradual augmentation of the Navy, and to the extent of existing appropriations. The vessels authorized by the act of 1820 have all been completed and are now in actual service. None of the larger ships have been or will be launched for the present, the object being to protect all which may not be required for immediate service from decay by suitable buildings erected over them. A squadron has been maintained, as heretofore, in the Mediterranean, by means whereof peace has been preserved with the Barbary Powers. This squadron has been reduced the present year to as small a force as is compatible with the fulfillment of the object intended by it. From past experience and the best information respecting the views of those powers it is distinctly understood that should our squadron be withdrawn they would soon recommence their hostilities and depredations upon our commerce. Their fortifications have lately been rebuilt and their maritime force increased. It has also been found necessary to maintain a naval force on the Pacific for the protection of the very important interests of our citizens engaged in commerce and the fisheries in that sea. Vessels have likewise been employed in cruising along the Atlantic coast, in the Gulf of Mexico, on the coast of Africa, and in the neighboring seas. In the latter many piracies have been committed on our commerce, and so extensive was becoming the range of those unprincipled adventurers that there was cause to apprehend, without a timely and decisive effort to suppress them, the

worst consequences would ensue. Fortunately, a considerable check has been given to that spirit by our cruisers, who have succeeded in capturing and destroying several of their vessels. Nevertheless, it is considered an object of high importance to continue these cruises until the practice is entirely suppressed. Like success has attended our efforts to suppress the slave trade. Under the flag of the United States and the sanction of their papers the trade may be considered as entirely suppressed, and if any of our citizens are engaged in it under the flags and papers of other powers, it is only from a respect to the rights of those powers that these offenders are not seized and brought home to receive the punishment which the laws inflict. If every other power should adopt the same policy and pursue the same vigorous means for carrying it into effect, the trade could no longer exist.

Deeply impressed with the blessings which we enjoy, and of which we have such manifold proofs, my mind is irresistibly drawn to that Almighty Being, the great source from whence they proceed and to whom our most grateful acknowledgments are due.

JAMES MONROE.

SPECIAL MESSAGES.

WASHINGTON, *December 16, 1821.*

To the Senate and House of Representatives of the United States:

I transmit to Congress a letter from the Secretary of the Treasury, inclosing the report of the commissioners appointed in conformity with the provisions of "An act to authorize the building of light-houses therein mentioned, and for other purposes," approved the 3d of March, 1821.

JAMES MONROE.

WASHINGTON, *December 16, 1821.*

To the House of Representatives of the United States:

By a resolution of Congress approved on the 27th of March, 1818, it was directed that the journal, acts, and proceedings of the Convention which formed the present Constitution of the United States should be published, under the direction of the President of the United States, together with the secret journals of the acts and proceedings, and the foreign correspondence (with a certain exception), of the Congress of the United States from the first meeting thereof down to the date of the ratification of the definitive treaty of peace between Great Britain and the United States, in the year 1783, and that 1,000 copies thereof should be printed, of which one copy should be furnished to each member of that (the

Fifteenth) Congress, and the residue should remain subject to the future disposition of Congress.

And by a resolution of Congress approved on the 21st April, 1820, it was provided that the secret journal, together with all the papers and documents connected with that journal, and all other papers and documents heretofore considered confidential, of the old Congress, from the date of the ratification of the definitive treaty of the year 1783 to the formation of the present Government, which were remaining in the office of the Secretary of State, should be published under the direction of the President of the United States, and that 1,000 copies thereof should be printed and deposited in the Library subject to the disposition of Congress.

In pursuance of these two resolutions, 1,000 copies of the journals and acts of the Convention which formed the Constitution have been heretofore printed and placed at the disposal of Congress, and 1,000 copies of the secret journals of the Congress of the Confederation, complete, have been printed, 250 copies of which have been reserved to comply with the direction of furnishing one copy to each member of the Fifteenth Congress; the remaining 750 copies have been deposited in the Library and are now at the disposal of Congress.

By the general appropriation act of 9th April, 1818, the sum of $10,000 was appropriated for defraying the expenses of printing done pursuant to the resolution of the 27th of March of that year. No appropriation has yet been made to defray the expenses incident to the execution of the resolution of 21st April, 1820. The whole expense hitherto incurred in carrying both resolutions into effect has exceeded by $542.56 the appropriation of April, 1818. This balance remains due to the printers, and is included in the estimates of appropriation for the year 1822. That part of the resolution of the 27th March, 1818, which directs the publication of the foreign correspondence of the Congress of the Confederation remains yet to be executed, and a further appropriation will be necessary for carrying it into effect.

JAMES MONROE.

DECEMBER 30, 1821.

To the Senate of the United States:

I transmit to the Senate a treaty of peace and amity concluded between the United States and the Dey and Regency of Algiers on the 23d of December, 1816.

This treaty is in all respects the same in its provisions with that which had been concluded on the 30th of June, 1815, and was ratified, by and with the advice and consent of the Senate, on the 26th of December of that year, with the exception of one additional and explanatory article.

The circumstances which have occasioned the delay in laying the present treaty before the Senate for their advice and consent to its ratifica-

tion are, that having been received in the spring of the year 1817, during the recess of the Senate, in the interval between the time when the Department of State was vacated by its late Secretary and the entrance of his successor upon the duties of the office, and when a change also occurred of the chief clerk of the Department, it was not recollected by the officers of the Department that it remained without the constitutional sanction of the Senate until shortly before the commencement of the present session. The documents explanatory of the additional articles are likewise herewith transmitted.

JAMES MONROE.

WASHINGTON, *January 7, 1822.*

To the Congress of the United States:

I transmit a report of the Secretary of the Navy, together with a survey of the coast of North Carolina, made in pursuance of a resolution of Congress of the 19th January, 1819.

JAMES MONROE.

WASHINGTON, *January 8, 1822.*

To the Senate and House of Representatives of the United States:

In pursuance of a joint resolution of the two Houses of Congress of the 3d of March, 1821, authorizing the President to cause such number of astronomical observations to be made by methods which might, in his judgment, be best adapted to insure a correct determination of the longitude of the Capitol, in the city of Washington, from Greenwich or some other known meridian in Europe, and that he cause the data, with accurate calculations on statements founded thereon, to be laid before them at their present session, I herewith transmit to Congress the report made by William Lambert, who was selected by me on the 10th of April last to perform the service required by that resolution.

As no compensation is authorized by law for the execution of the duties assigned to Mr. Lambert, it is submitted to the discretion of Congress to make the necessary provision for an adequate allowance to him and to the assistant whom he employed to aid him in his observations.

JAMES MONROE.

JANUARY 17, 1822.

To the Senate of the United States:

I nominate the persons whose names are stated in the inclosed letter from the Secretary of War for the appointments therein respectively proposed for them.

The changes in the Army growing out of the act of the 2d of March, 1821, "to reduce and fix the military peace establishment of the United States," are exhibited in the Official Register for the year 1822, herewith submitted for the information of the Senate.

Under the late organization of the artillery arm, with the exception of the colonel of the regiment of light artillery, there were no grades higher than lieutenant-colonel recognized. Three of the four colonels of artillery provided for by the act of Congress of the 2d of March, 1821, were considered, therefore, as original vacancies, to be filled, as the good of the service might dictate, from the Army corps.

The Pay Department being considered as a part of the military establishment, and, within the meaning of the above-recited act, constituting one of the corps of the Army, the then Paymaster-General was appointed colonel of one of the regiments. A contrary construction, which would have limited the corps specified in the twelfth section of the act to the line of the Army, would equally have excluded all the other branches of the staff, as well that of the Pay Department, which was expressly comprehended among those to be reduced. Such a construction did not seem to be authorized by the act, since by its general terms it was inferred to have been intended to give a power of sufficient extent to make the reduction by which so many were to be disbanded operate with as little inconvenience as possible to the parties. Acting on these views and on the recommendation of the board of general officers, who were called in on account of their knowledge and experience to aid the Executive in so delicate a service, I thought it proper to appoint Colonel Towson to one of the new regiments of artillery, it being a corps in which he had eminently distinguished himself and acquired great knowledge and experience in the late war.

In reconciling conflicting claims provision for four officers of distinction could only be made in grades inferior to those which they formerly held. Their names are submitted, with the nomination for the brevet rank of the grades from which they were severally reduced.

It is proper also to observe that as it was found difficult in executing the act to retain each officer in the corps to which he belonged, the power of transferring officers from one corps to another was reserved in the general orders, published in the Register, till the 1st day of January last, in order that upon vacancies occurring those who had been put out of their proper corps might as far as possible be restored to it. Under this reservation, and in conformity to the power vested in the Executive by the first section of the seventy-fifth article of the general regulations of the Army, approved by Congress at the last session, on the resignation of Lieutenant-Colonel Mitchell, of the corps of artillery, Lieutenant-Colonel Lindsay, who had belonged to this corps before the late reduction, was transferred back to it in the same grade. As an additional motive to the transfer, it had the effect of preventing Lieutenant-Colonel Taylor and Major Woolley being reduced to lower grades than those which they held before the reduction, and Captain Cobb from being disbanded under the act. These circumstances were considered as constituting an extraordinary case within the meaning of the section already referred to of

the Regulations of the Army. It is, however, submitted to the Senate whether this is a case requiring their confirmation; and in case that such should be their opinion, it is submitted to them for their constitutional confirmation.

JAMES MONROE.

WASHINGTON, *January 26, 1822.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives "requesting the President of the United States to cause to be laid before this House an account of the expenditures made under the act to provide for the civilization of the Indian tribes, specifying the times when, the persons to whom, and the particular purpose for which such expenditures have been made," I herewith transmit a report from the Secretary of War.

JAMES MONROE.

WASHINGTON, *January 28, 1822.*

To the House of Representatives:

In compliance with the resolution of the 2d instant, I transmit a report of the Secretary of State, with all the documents relating to the misunderstanding between Andrew Jackson, while acting as governor of the Floridas, and Eligius Fromentin, judge of a court therein; and also of the correspondence between the Secretary of State and the minister plenipotentiary of His Catholic Majesty on certain proceedings in that Territory in execution of the powers vested in the governor by the Executive under the law of the last session for carrying into effect the late treaty between the United States and Spain. Being always desirous to communicate to Congress, or to either House, all the information in the possession of the Executive respecting any important interest of our Union which may be communicated without real injury to our constituents, and which can rarely happen except in negotiations pending with foreign powers, and deeming it more consistent with the principles of our Government in cases submitted to my discretion, as in the present instance, to hazard error by the freedom of the communication rather than by withholding any portion of information belonging to the subject, I have thought proper to communicate every document comprised within this call.

JAMES MONROE.

WASHINGTON, *January 30, 1822.*

To the House of Representatives of the United States:

In pursuance of a resolution of the House of Representatives of the 16th instant, requesting information with regard to outrages and abuses committed upon the persons of the officers and crews of American vessels at

The Havannah and other Spanish ports in America, and whether the Spanish authorities have taken any measures to punish, restrain, or countenance such outrages, I herewith transmit to that House a report from the Secretary of State, containing the information called for.

JAMES MONROE.

WASHINGTON, *January 30, 1822.*

To the House of Representatives of the United States:

In pursuance of a resolution of the House of Representatives of the 8th instant, I transmit to the House of Representatives a report of the Secretary of State, containing all the information procured by him in relation to commissions of bankruptcy in certain districts of the United States under the act of 4th of April, 1800, "to establish an uniform system of bankruptcy in the United States."

JAMES MONROE.

WASHINGTON, *February 7, 1822.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives requesting the President to "cause that House to be informed whether the commissioners appointed to lay out the continuation of the Cumberland road from Wheeling, in the State of Virginia, through the States of Ohio, Indiana, and Illinois to the Mississippi River, have completed the same, and, if not completed, the reason why their duties have been suspended," I transmit a report from the Secretary of the Treasury, which furnishes the information desired.

JAMES MONROE.

WASHINGTON, *February 10, 1822.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives "requesting the President of the United States to cause to be laid before this House any information which he may have of the condition of the several Indian tribes within the United States and the measures hitherto devised and pursued for their civilization," I now transmit a report from the Secretary of War.

JAMES MONROE.

WASHINGTON, *February 23, 1822.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives "requesting the President of the United States to cause to be reported to this House whether the Indian title has been extinguished by the United

States to any lands the right of soil in which has been or is claimed by any particular State, and, if so, the conditions upon which the same has been extinguished," I herewith transmit a report from the Secretary of War, furnishing all the information in the possession of that Department embraced by the resolution.

JAMES MONROE.

WASHINGTON, *February 23, 1822.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 14th instant, requesting the President of the United States "to make known to the Senate the annual disposition which has been made of the sum of $15,000 appropriated by an act of Congress of the year 1802 to promote civilization among friendly Indian tribes, showing to what tribes that evidence of the national bounty has been extended, the names of the agents who have been intrusted with the application of the money, the several amounts by them received, and the manner in which they have severally applied it to accomplish the objects of the act," I herewith transmit a report from the Secretary of War, furnishing all the information upon this subject in the possession of that Department.

JAMES MONROE.

WASHINGTON, *February 25, 1822.*

To the Senate and House of Representatives of the United States:

Under the appropriation made by the act of Congress of the 11th of April, 1820, for holding treaties with the Creek and Cherokee nations of Indians for the extinguishment of the Indian title to lands within the State of Georgia, pursuant to the fourth condition of the first article of the articles of agreement and cession concluded between the United States and the State of Georgia on the 24th day of April, 1802, a treaty was held with the Creek Nation, the expense of which upon the settlement of the accounts of the commissioners who were appointed to conduct the negotiation was ascertained to amount to the sum of $24,695, leaving an unexpended balance of the sum appropriated of $5,305, a sum too small to negotiate a treaty with the Cherokees, as was contemplated by the act making the appropriation. The legislature of Georgia being still desirous that a treaty should be held for further extinguishment of the Indian title to lands within that State, and to obtain an indemnity to the citizens of that State for property of considerable value, which has been taken from them by the Cherokee Indians, I submit the subject to the consideration of Congress, that a further sum, which, in addition to the balance of the former appropriation, will be adequate to the expenses attending a treaty with them, may be appropriated should Congress deem it expedient.

JAMES MONROE.

WASHINGTON, *March 4, 1822.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 22d ultimo, requesting the President of the United States "to cause to be laid before this House a statement showing the amount of woolens purchased for the use of the Army during the years 1820 and 1821, comprising a description of the articles, of whom the purchases were made, at what prices, and what proportion thereof was of American manufacture," I herewith transmit a report from the Secretary of War.

JAMES MONROE.

WASHINGTON, *March 8, 1822.*

To the Senate and House of Representatives of the United States:

In transmitting to the House of Representatives the documents called for by the resolution of that House of the 30th January, I consider it my duty to invite the attention of Congress to a very important subject, and to communicate the sentiments of the Executive on it, that, should Congress entertain similar sentiments, there may be such cooperation between the two departments of the Government as their respective rights and duties may require.

The revolutionary movement in the Spanish Provinces in this hemisphere attracted the attention and excited the sympathy of our fellow-citizens from its commencement. This feeling was natural and honorable to them, from causes which need not be communicated to you. It has been gratifying to all to see the general acquiescence which has been manifested in the policy which the constituted authorities have deemed it proper to pursue in regard to this contest. As soon as the movement assumed such a steady and consistent form as to make the success of the Provinces probable, the rights to which they were entitled by the law of nations as equal parties to a civil war were extended to them. Each party was permitted to enter our ports with its public and private ships, and to take from them every article which was the subject of commerce with other nations. Our citizens, also, have carried on commerce with both parties, and the Government has protected it with each in articles not contraband of war. Through the whole of this contest the United States have remained neutral, and have fulfilled with the utmost impartiality all the obligations incident to that character.

This contest has now reached such a stage and been attended with such decisive success on the part of the Provinces that it merits the most profound consideration whether their right to the rank of independent nations, with all the advantages incident to it in their intercourse with the United States, is not complete. Buenos Ayres assumed that rank by a formal declaration in 1816, and has enjoyed it since 1810 free from

invasion by the parent country. The Provinces composing the Republic of Colombia, after having separately declared their independence, were united by a fundamental law of the 17th of December, 1819. A strong Spanish force occupied at that time certain parts of the territory within their limits and waged a destructive war. That force has since been repeatedly defeated, and the whole of it either made prisoners or destroyed or expelled from the country, with the exception of an inconsiderable portion only, which is blockaded in two fortresses. The Provinces on the Pacific have likewise been very successful. Chili declared independence in 1818, and has since enjoyed it undisturbed; and of late, by the assistance of Chili and Buenos Ayres, the revolution has extended to Peru. Of the movement in Mexico our information is less authentic, but it is, nevertheless, distinctly understood that the new Government has declared its independence, and that there is now no opposition to it there nor a force to make any. For the last three years the Government of Spain has not sent a single corps of troops to any part of that country, nor is there any reason to believe it will send any in future. Thus it is manifest that all those Provinces are not only in the full enjoyment of their independence, but, considering the state of the war and other circumstances, that there is not the most remote prospect of their being deprived of it.

When the result of such a contest is manifestly settled, the new governments have a claim to recognition by other powers which ought not to be resisted. Civil wars too often excite feelings which the parties can not control. The opinion entertained by other powers as to the result may assuage those feelings and promote an accommodation between them useful and honorable to both. The delay which has been observed in making a decision on this important subject will, it is presumed, have afforded an unequivocal proof to Spain, as it must have done to other powers, of the high respect entertained by the United States for her rights and of their determination not to interfere with them. The Provinces belonging to this hemisphere are our neighbors, and have successively, as each portion of the country acquired its independence, pressed their recognition by an appeal to facts not to be contested, and which they thought gave them a just title to it. To motives of interest this Government has invariably disclaimed all pretension, being resolved to take no part in the controversy or other measure in regard to it which should not merit the sanction of the civilized world. To other claims a just sensibility has been always felt and frankly acknowledged, but they in themselves could never become an adequate cause of action. It was incumbent on this Government to look to every important fact and circumstance on which a sound opinion could be formed, which has been done. When we regard, then, the great length of time which this war has been prosecuted, the complete success which has attended it in favor of the Provinces, the present condition of the parties, and the utter inability

of Spain to produce any change in it, we are compelled to conclude that its fate is settled, and that the Provinces which have declared their independence and are in the enjoyment of it ought to be recognized.

Of the views of the Spanish Government on this subject no particular information has been recently received. It may be presumed that the successful progress of the revolution through such a long series of years, gaining strength and extending annually in every direction, and embracing by the late important events, with little exception, all the dominions of Spain south of the United States on this continent, placing thereby the complete sovereignty over the whole in the hands of the people, will reconcile the parent country to an accommodation with them on the basis of their unqualified independence. Nor has any authentic information been recently received of the disposition of other powers respecting it. A sincere desire has been cherished to act in concert with them in the proposed recognition, of which several were some time past duly apprised; but it was understood that they were not prepared for it. The immense space between those powers, even those which border on the Atlantic, and these Provinces makes the movement an affair of less interest and excitement to them than to us. It is probable, therefore, that they have been less attentive to its progress than we have been. It may be presumed, however, that the late events will dispel all doubt of the result.

In proposing this measure it is not contemplated to change thereby in the slightest manner our friendly relations with either of the parties, but to observe in all respects, as heretofore, should the war be continued, the most perfect neutrality between them. Of this friendly disposition an assurance will be given to the Government of Spain, to whom it is presumed it will be, as it ought to be, satisfactory. The measure is proposed under a thorough conviction that it is in strict accord with the law of nations, that it is just and right as to the parties, and that the United States owe it to their station and character in the world, as well as to their essential interests, to adopt it. Should Congress concur in the view herein presented, they will doubtless see the propriety of making the necessary appropriations for carrying it into effect.

JAMES MONROE.

WASHINGTON, *March 9, 1822.*

To the House of Representatives:

I transmit a report from the Secretary of War, together with the annual return of the militia of the United States, and an exhibit of the arms, accouterments, and ammunition of the several States and Territories of the United States, prepared in conformity with the militia laws on that subject.

JAMES MONROE.

WASHINGTON, *March 12, 1822.*

To the Senate and House of Representatives of the United States:

I lay before the Senate the copy of a supplementary report, made by William Lambert, in relation to the longitude of the Capitol from Greenwich, in pursuance of a joint resolution of the two Houses of Congress of the 3d of March, 1821, and I subjoin an extract from the letter of Mr. Lambert submitting that report.

JAMES MONROE.

WASHINGTON, *March 26, 1822.*

To the Senate and House of Representatives of the United States:

Congress having suspended the appropriation, at the last session, for the fortification at Dauphine Island, in consequence of a doubt which was entertained of the propriety of that position, the further prosecution of the work was suspended, and an order given, as intimated in the message of the 3d of December, to the Board of Engineers and Naval Commissioners to examine that part of the coast, and particularly that position, as also the position at Mobile Point, with which it is connected, and to report their opinion thereon, which has been done, and which report is herewith communicated.

By this report it appears to be still the opinion of the Board that the construction of works at both these positions is of great importance to the defense of New Orleans and of all that portion of our Union which is connected with and dependent on the Mississippi and on the other waters which empty into the Gulf of Mexico between that river and Cape Florida. That the subject may be fully before Congress, I transmit also a copy of the former report of the Board, being that on which the work was undertaken and has been in part executed. Approving as I do the opinion of the Board, I consider it my duty to state the reasons on which I adopted the first report, especially as they were in part suggested by the occurrences of the late war.

The policy which induced Congress to decide on and provide for the defense of the coast immediately after the war was founded on the marked events of that interesting epoch. The vast body of men which it was found necessary to call into the field through the whole extent of our maritime frontier, and the number who perished by exposure, with the immense expenditure of money and waste of property which followed, were to be traced in an eminent degree to the defenseless condition of the coast. It was to mitigate these evils in future wars, and even for the higher purpose of preventing war itself, that the decision was formed to make the coast, so far as it might be practicable, impregnable, and that the measures necessary to that great object have been pursued with so much zeal since.

It is known that no part of our Union is more exposed to invasion by the numerous avenues leading to it, or more defenseless by the thinness

of the neighboring population, or offers a greater temptation to invasion, either as a permanent acquisition or as a prize to the cupidity of grasping invaders from the immense amount of produce deposited there, than the city of New Orleans. It is known also that the seizure of no part of our Union could affect so deeply and vitally the immediate interests of so many States and of so many of our fellow-citizens, comprising all that extensive territory and numerous population which are connected with and dependent on the Mississippi, as the seizure of that city. Strong works, well posted, were therefore deemed absolutely necessary for its protection.

It is not, however, by the Mississippi only, or the waters which communicate directly with or approach nearest to New Orleans, that the town is assailable. It will be recollected that in the late war the public solicitude was excited not so much by the danger which menaced it in those directions as by the apprehension that, while a feint might be made there, the main force, landing either in the bay of Mobile or other waters between that bay and the Rigolets, would be thrown above the town in the rear of the army which had been collected there for its defense. Full confidence was entertained that that gallant army, led by the gallant and able chief who commanded it, would repel any attack to which it might be exposed in front. But had such a force been thrown above the town, and a position taken on the banks of the river, the disadvantage to which our troops would have been subjected, attacked in front and rear as they might have been, may easily be conceived. As their supplies would have been cut off, they could not long have remained in the city, and, withdrawing from it, it must have fallen immediately into the hands of the force below. In ascending the river to attack the force above, the attack must have been made to great disadvantage, since it must have been on such ground and at such time as the enemy preferred. These considerations shew that defenses other than such as are immediately connected with the city are of great importance to its safety.

An attempt to seize New Orleans and the lower part of the Mississippi will be made only by a great power or a combination of several powers, with a strong naval and land force, the latter of which must be brought in transports which may sail in shallow water. If the defenses around New Orleans are well posted and of sufficient strength to repel any attack which may be made on them, the city can be assailed only by a land force, which must pass in the direction above suggested, between the Rigolets and the bay of Mobile. It becomes, therefore, an object of high importance to present such an obstacle to such an attempt as would defeat it should it be made. Fortifications are useful for the defense of posts, to prevent the approach to cities and the passage of rivers; but as works their effect can not be felt beyond the reach of their cannon. They are formidable in other respects by the body of men within them, which may be removed and applied to other purposes.

Between the Rigolets and the bay of Mobile there is a chain of islands, at the extremity of which is Dauphine Island, which forms, with Mobile Point, from which it is distant about 3¼ miles, the entrance into the bay of Mobile, which leads through that part of the State of Alabama to the towns of Mobile and Blakeley. The distance between Dauphine Island and the Rigolets is 90 miles. The principal islands between them are Massacre, Horn, Ship, and Cat islands, near to which there is anchorage for large ships of war. The first object is to prevent the landing of any force for the purposes above stated between the Rigolets and the bay of Mobile; the second, to defeat that force in case it should be landed. When the distance from one point to the other is considered, it is believed that it would be impossible to establish works so near to each other as to prevent the landing of such a force. Its defeat, therefore, should be effectually provided for. If the arrangement should be such as to make that result evident, it ought to be fairly concluded that the attempt would not be made, and thus we should accomplish in the best mode possible and with the least expense the complete security of this important part of our Union, the great object of our system of defense for the whole.

There are some other views of this subject which it is thought will merit particular attention in deciding the point in question. Not being able to establish a chain of posts, at least for the present, along the whole coast from the Rigolets to Dauphine Island, or on all the islands between them, at which point shall we begin? Should an attack on the city be anticipated, it can not be doubted that an adequate force would immediately be ordered there for its defense. If the enemy should despair of making an impression on the works near the town, it may be presumed that they would promptly decide to make the attempt in the manner and in the line above suggested between the Rigolets and the bay of Mobile. It will be obvious that the nearer the fortification is erected to the Rigolets with a view to this object, should it be on Cat or Ship Island, for example, the wider would the passage be left open between that work and the bay of Mobile for such an enterprise. The main army, being drawn to New Orleans, would be ready to meet such an attempt near the Rigolets or at any other point not distant from the city. It is probable, therefore, that the enemy, profiting of a fair wind, would make his attempt at the greatest distance compatible with his object from that point, and at the bay of Mobile should there not be works there of sufficient strength to prevent it. Should, however, strong works be erected there, such as were sufficient not only for their own defense against any attack which might be made on them, but to hold a force connected with that which might be drawn from the neighboring country, capable of cooperating with the force at the city, and which would doubtless be ordered to those works in the event of war, it would be dangerous for the invading force to land anywhere between the Rigolets and the bay of Mobile and

to pass toward the Mississippi above the city, lest such a body might be thrown in its rear as to cut off its retreat. These considerations show the great advantage of establishing at the mouth of the bay of Mobile very strong works, such as would be adequate to all the purposes suggested.

If fortifications were necessary only to protect our country and cities against the entry of large ships of war into our bays and rivers, they would be of little use for the defense of New Orleans, since that city can not be approached so near, either by the Mississippi or in any other direction, by such vessels for them to make an attack on it. In the Gulf, within our limits west of Florida, which had been acquired since these works were decided on and commenced, there is no bay or river into which large ships of war can enter. As a defense, therefore, against an attack from such vessels extensive works would be altogether unnecessary either at Mobile Point or at Dauphine Island, since sloops of war only can navigate the deepest channel. But it is not for that purpose alone that these works are intended. It is to provide also against a formidable invasion, both by land and sea, the object of which may be to shake the foundation of our system. Should such small works be erected, and such an invasion take place, they would be sure to fall at once into the hands of the invaders and to be turned against us.

Whether the acquisition of Florida may be considered as affording an inducement to make any change in the position or strength of these works is a circumstance which also merits attention. From the view which I have taken of the subject I am of opinion that it should not. The defense of New Orleans and of the river Mississippi against a powerful invasion being one of the great objects of such extensive works, that object would be essentially abandoned if they should be established eastward of the bay of Mobile, since the force to be collected in them would be placed at too great a distance to allow the cooperation necessary for those purposes between it and that at the city; in addition to which, it may be observed that by carrying them to Pensacola or farther to the east that bay would fall immediately, in case of such invasion, into the hands of the enemy, whereby such cooperation would be rendered utterly impossible, and the State of Alabama would also be left wholly unprotected.

With a view to such formidable invasion, of which we should never lose sight, and of the great objects to which it would be directed, I think that very strong works at some point within the Gulf of Mexico will be found indispensable. I think also that those works ought to be established at the bay of Mobile—one at Mobile Point and the other on Dauphine Island—whereby the enemy would be excluded and the complete command of that bay, with all the advantages attending it, be secured to ourselves. In the case of such invasion, it will, it is presumed, be deemed necessary to collect at some point other than at New Orleans a strong force, capable of moving in any direction and affording aid to any part which may be attacked; and, in my judgment, no position presents so

many advantages as a point of rendezvous for such force as the mouth of that bay. The fortification at the Rigolets will defend the entrance by one passage into Lake Pontchartrain, and also into Pearl River, which empties into the Gulf at that point. Between the Rigolets and Mobile Bay there are but two inlets which deserve the name, those of St. Louis and Pascagola, the entrance into which is too shallow even for the smallest vessels; and from the Rigolets to Mobile Bay the whole coast is equally shallow, affording the depth of a few feet of water only. Cat Island, which is nearest the Rigolets, is about 7½ miles distant from the coast and 30 from the Rigolets. Ship Island is distant about 10 miles from Cat Island and 12 from the coast. Between these islands and the coast the water is very shallow.

As to the precise depth of water in approaching those islands from the Gulf, the report of the topographical engineers not having yet been received, it is impossible to speak with precision; but admitting it to be such as for frigates and even ships of the line to enter, the anchorage at both is unsafe, being much exposed to northwest winds. Along the coast, therefore, there is no motive for such strong works on our part—no town to guard, no inlet into the country to defend—and if placed on the islands and the entrance to them is such as to admit large ships of war, distant as they are from the coast, it would be more easy for the enemy to assail them with effect.

The position, however, at Mobile Bay is essentially different. That bay takes its name from the Mobile River, which is formed by the junction of the Alabama and Tombigbee, which extend each about 300 miles into the interior, approaching at their head waters near the Tennessee River. If the enemy possessed its mouth, and fortified Mobile Point and Dauphine Island, being superior at sea it would be very difficult for us to dispossess him of either, even of Mobile Point; and holding that position, Pensacola would soon fall, as without incurring great expense in the construction of works there it would present but a feeble resistance to a strong force in its rear. If we had a work at Mobile Point only, the enemy might take Dauphine Island, which would afford him great aid in attacking the point, and enable him, even should we succeed in repelling the attack, to render us great mischief there and throughout the whole Gulf. In every view which can be taken of the subject it appears indispensable for us to command the entrance into Mobile Bay, and that decision being taken, I think the considerations which favor the occupation of Dauphine Island by a strong work are conclusive. It is proper to observe that after the repulse before New Orleans in the late war the British forces took possession of Dauphine Island and held it till the peace. Under neither of the reports of the Board of Engineers and Naval Commissioners could any but sloops of war enter the bay or the anchorage between Dauphine and Pelican islands. Both reports give to that anchorage 18 feet at low water and 20½ at high. The only difference between

them consists in this, that in the first a bar leading to the anchorage, reducing the depth of water to 12 feet at low tide, was omitted. In neither case could frigates enter, though sloops of war of larger size might. The whole scope, however, of this reasoning turns on a different principle—on the works necessary to defend that bay and, by means thereof, New Orleans, the Mississippi, and all the surrounding country against a powerful invasion both by land and sea, and not on the precise depth of water in any of the approaches to the bay or to the island.

The reasoning which is applicable to the works near New Orleans and at the bay of Mobile is equally so in certain respects to those which are to be erected for the defense of all the bays and rivers along the other parts of the coast. All those works are also erected on a greater scale than would be necessary for the sole purpose of preventing the passage of our inlets by large ships of war. They are in most instances formed for defense against a more powerful invasion, both by land and sea. There are, however, some differences between the works which are deemed necessary in the Gulf and those in other parts of our Union, founded on the peculiar situation of that part of the coast. The vast extent of the Mississippi, the great outlet and channel of commerce for so many States, all of which may be affected by the seizure of that city, or of any part of the river to a great extent above it, is one of those striking peculiarities which require particular provision. The thinness of the population near the city, making it necessary that the force requisite for its defense should be called from distant parts and States, is another. The danger which the army assembled at New Orleans would be exposed to of being cut off in case the enemy should throw a force on the river above it, from the difficulty of ascending the river to attack it and of making a retreat in any other direction, is a third. For an attack on the city of New Orleans, Mobile Bay, or any part of the intermediate coast ships of war would be necessary only as a convoy to protect the transports against a naval force on their passage, and on their approach to the shore for the landing of the men, and on their return home in case they should be repulsed.

On the important subject of our defenses generally I think proper to observe that the system was adopted immediately after the late war by Congress, on great consideration and a thorough knowledge of the effects of that war—by the enormous expense attending it, by the waste of life, of property, and by the general distress of the country. The amount of debt incurred in that war and due at its conclusion, without taking into the estimate other losses, having been heretofore communicated, need not now be repeated. The interest of the debt thus incurred is four times more than the sum necessary, by annual appropriations, for the completion of our whole system of defense, land and naval, to the extent provided for and within the time specified. When that system shall be completed the expense of construction will cease, and our expenditures be proportionally diminished. Should another war occur before it is completed, the

experience of the last marks in characters too strong to be mistaken its inevitable consequences; and should such war occur and find us unprepared for it, what will be our justification to the enlightened body whom we represent for not having completed these defenses? That this system should not have been adopted before the late war can not be a cause of surprise to anyone, because all might wish to avoid every expense the necessity of which might be in any degree doubtful. But with the experience of that war before us it is thought there is no cause for hesitation. Will the completion of these works and the augmentation of our Navy to the point contemplated by law require the imposition of onerous burthens on our fellow-citizens such as they can not or will not bear? Have such, or any, burthens been imposed to advance the system to its present state? It is known that no burthens whatever have been imposed; on the contrary, that all the direct or internal taxes have been long repealed, and none paid but those which are indirect and voluntary, such as are imposed on articles imported from foreign countries, most of which are luxuries, and on the vessels employed in the transportation—taxes which some of our most enlightened citizens think ought to be imposed on many of the articles for the encouragement of our manufactures, even if the revenue derived from them could be dispensed with. It is known also that in all other respects our condition as a nation is in the highest degree prosperous and flourishing, nearly half the debt incurred in the late war having already been discharged, and considerable progress having also been made in the completion of this system of defense and in the construction of other works of great extent and utility, by the revenue derived from these sources and from the sale of the public lands. I may add also that a very generous provision has been made from the same sources for the surviving officers and soldiers of our Revolutionary army. These important facts show that this system has been so far executed, and may be completed without any real inconvenience to the public. Were it, however, otherwise, I have full confidence that any burthens which might be found necessary for the completion of this system in both its branches within the term contemplated, or much sooner should any emergency require it, would be called for rather than complained of by our fellow-citizens.

From these views, applicable to the very important subject of our defenses generally as well as to the work at Dauphine Island, I think it my duty to recommend to Congress an appropriation for the latter. I considered the withholding it at the last session as the expression only of a doubt by Congress of the propriety of the position, and not as a definitive opinion. Supposing that that question would be decided at the present session, I caused the position and such parts of the coast as are particularly connected with it to be reexamined, that all the light on which the decision as to the appropriation could depend might be fully before you. In the first survey, the report of which was that on which

the works intended for the defense of New Orleans, the Mississippi, the bay of Mobile, and all the country dependent on those waters were sanctioned by the Executive, the commissioners were industriously engaged about six months. I should have communicated that very able and interesting document then but from a doubt how far the interest of our country would justify its publication, a circumstance which I now mention that the attention of Congress may be drawn to it.

JAMES MONROE.

MARCH 26, 1822.

To the Senate of the United States:

Having executed the act entitled "An act to reduce and fix the military peace establishment of the United States" on great consideration and according to my best judgment, and inferring from the rejection of the nomination of Colonel Towson and Colonel Gadsden, officers of very distinguished merit, that the view which I took of that law has not been well understood, I hereby withdraw all the nominations on which the Senate has not decided until I can make a more full communication and explanation of that view and of the principles on which I have acted in the discharge of that very delicate and important duty.

JAMES MONROE.

WASHINGTON, *March 27, 1822.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 1st instant, requesting "the President to communicate such information as he may possess relative to any private claim against the piece of land in the Delaware River known by the name of the Peapatch, and to state if any, and what, process has been instituted in behalf of such claim," I herewith transmit a report from the Secretary of War, furnishing the information required.

JAMES MONROE.

WASHINGTON, *March 28, 1822.*

To the House of Representatives:

I transmit the original reports on the subject of the fortifications on Dauphin Island and Mobile Point, being those on which the works were undertaken and have been in part executed. The doubt expressed as to the propriety of publication is applicable to this document, which would have accompanied the message of the 26th had it been prepared in time.

JAMES MONROE.

WASHINGTON, *March 29, 1822.*

To the Senate and House of Representatives of the United States:

I transmit to Congress the translation of two letters from the minister of France to the Secretary of State, relating to the claim of the heirs of Caron de Beaumarchais upon this Government, with the documents therewith inclosed, recommending them to the favorable consideration of Congress.

JAMES MONROE.

WASHINGTON, *April 5, 1822.*

To the House of Representatives of the United States:

I communicate herewith to the House a report from the Secretary of War, containing the information requested by their resolution of the 5th ultimo.

It may be proper further to add that the secretaries of both the Territories have occasionally required and received the aid of the military force of the United States stationed within them, respectively, to carry into effect the acts of their authority.

The government of East and West Florida was under the Spanish dominion almost exclusively military. The governors of both were military officers and united in their persons the chief authority, both civil and military.

The principle upon which the act of Congress of the last session providing for the temporary government of the newly ceded Provinces was carried into execution has been communicated to Congress in my message at the opening of the session. It was to leave the authorities of the country as they were found existing at the time of the cession, to be exercised until the meeting of Congress, when it was known that the introduction of a system more congenial to our own institutions would be one of the earliest and most important subjects of their deliberations. From this, among other obvious considerations, military officers were appointed to take possession of both Provinces. But as the military command of General Jackson was to cease on the 1st of June, General Gaines, the officer next in command, then here, who was first designated to take possession of East Florida, received from me a verbal direction to give such effect to any requisition from the governor for military aid to enforce his authority as the circumstances might require. It was not foreseen that the command in both the Provinces would before further legislation by Congress on that subject devolve upon the secretaries of the Territories, but had it been foreseen the same direction would have been given as applicable to them.

No authority has been given to either of the secretaries to issue commands to that portion of the Army which is in Florida, and whenever the aid of *the military* has been required by them it has been by written

requisitions to the officers commanding the troops, who have yielded compliance thereto doubtless under the directions received from General Gaines as understood by him to be authorized.

Shortly before the meeting of Congress a letter was received at the War Department from Colonel Brooke, the officer commanding at Pensacola, requesting instructions how far he was to consider these requisitions as authoritative, but the assurance that a new organization of the government was immediately to be authorized by Congress was a motive for superseding any specific decision upon the inquiry.

JAMES MONROE.

WASHINGTON, *April 6, 1822.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives requesting the President of the United States to cause to be furnished to that House certain information relating to the amount of the public money paid to the Attorney-General over and above his salary fixed by law since the 1st of January, 1817, specifying the time when paid and the fund out of which such payments have been made, I transmit a paper, marked A, containing the information desired. I transmit also a paper, marked B, containing a statement of sums paid to Attorneys-General of the United States prior to the 1st of January, 1817, and in the paper marked C a like statement of sums advanced to district attorneys for services not required of them by law. These latter documents being necessary to a full view of the subject, it is thought proper to comprise them in this communication.

By the act of 24th September, 1789, instituting the office of Attorney-General, it was made his duty to prosecute and conduct all suits in the Supreme Court in which the United States should be concerned, and to give his advice and opinion upon questions of law when required by the President of the United States, or when requested by the head of any of the Departments, touching any matters that might concern their Departments. It will be seen, therefore, by the statement communicated that no money whatever has been paid to the Attorney-General for his services in that character, nor for any duty belonging to his office, beyond his salary as fixed by law.

It will also be shewn by the documents communicated that the construction given of the laws imposing duties on the Attorney-General and district attorneys have been invariably the same since the institution of the Government. On the same authority it was thought that the compensation allowed to the present Attorney-General for certain services, considering their importance and the time employed in rendering them, did not exceed, regarding precedents, what might fairly be claimed.

JAMES MONROE.

APRIL 13, 1822.

To the Senate of the United States:

Having cause to infer that the reasons which led to the construction which I gave to the act of the last session entitled "An act to reduce and fix the peace establishment of the United States" have not been well understood, I consider it my duty to explain more fully the view which I took of that act and of the principles on which I executed the very difficult and important duty enjoined on me by it.

To do justice to the subject it is thought proper to show the actual state of the Army before the passage of the late act, the force in service, the several corps of which it was composed, and the grades and number of officers commanding it. By seeing distinctly the body in all its parts on which the law operated, viewing also with a just discrimination the spirit, policy, and positive injunctions of that law with reference to precedents established in a former analogous case, we shall be enabled to ascertain with great precision whether these injunctions have or have not been strictly complied with.

By the act of the 3d of March, 1815, entitled "An act fixing the military peace establishment of the United States," the whole force in service was reduced to 10,000 men—infantry, artillery, and riflemen—exclusive of the Corps of Engineers, which was retained in its then state. The regiment of light artillery was retained as it had been organized by the act of 3d March, 1814. The infantry was formed into 9 regiments, 1 of which consisted of riflemen. The regiments of light artillery, infantry, riflemen, and Corps of Engineers were commanded each by a colonel, lieutenant-colonel, and the usual battalion and company officers; and the battalions of the corps of artillery, of which there were 8—4 for the Northern and 4 for the Southern division—were commanded by lieutenant-colonels or majors, there being 4 of each grade. There were, therefore, in the Army at the time the late law was passed 12 colonels belonging to those branches of the military establishment. Two major-generals and 4 brigadiers were likewise retained in service by this act; but the staff in several of its branches not being provided for, and being indispensable and the omission inadvertent, proceeding from the circumstances under which the act was passed, being at the close of the session, at which time intelligence of the peace was received, it was provisionally retained by the President, and provided for afterwards by the act of the 24th April, 1816. By this act the Ordnance Department was preserved as it had been organized by the act of February 8, 1815, with 1 colonel, 1 lieutenant-colonel, 2 majors, 10 captains, and 10 first, second, and third lieutenants. One Adjutant and Inspector General of the Army and 2 adjutants-general—1 for the Northern and 1 for the Southern division—were retained. This act provides also for a Paymaster-General, with a suitable number of regimental and battalion paymasters, as a part of the general staff, constituting the military peace establishment; and the Pay Department and

every other branch of the staff were subjected to the Rules and Articles of War.

By the act of March 2, 1821, it was ordained that the military peace establishment should consist of 4 regiments of artillery and 7 of infantry, with such officers of engineers, ordnance, and staff as were therein specified. It is provided that each regiment of artillery should consist of 1 colonel, 1 lieutenant-colonel, 1 major, and 9 companies, with the usual company officers, 1 of which to be equipped as light artillery, and that there should be attached to each regiment of artillery 1 supernumerary captain to perform ordnance duty, thereby merging the regiment of artillery and Ordnance Department into these 4 regiments. It was provided also that each regiment of infantry should consist of 1 colonel, 1 lieutenant-colonel, 1 major, and 10 companies, with the usual company officers. The Corps of Engineers, bombardiers excepted, with the topographical engineers and their assistants, were to be retained under the existing organization. The former establishment as to the number of major-generals and brigadiers was curtailed one-half, and the office of Inspector and Adjutant General to the Army and of adjutant-general to each division annulled, and that of Adjutant-General to the Army instituted. The Quartermaster, Paymaster, and Commissary Departments were also specially provided for, as was every other branch of the staff, all of which received a new modification, and were subjected to the Rules and Articles of War.

The immediate and direct operation of this act on the military peace establishment of 1815 was that of reduction, from which no officer belonging to it was exempt, unless it might be the topographical engineers; for in retaining the Corps of Engineers, as was manifest as well by the clear import of the section relating to it as by the provisions of every other clause of the act, reference was had to the organization, and not to the officers of the Corps. The establishment of 1815 was reduced from 10,000 to about 6,000 men. The 8 battalions of artillery, constituting what was called the corps of artillery, and the regiment of light artillery as established by the act of 1815, were to be incorporated together and formed into 4 new regiments. The regiments of infantry were to be reduced from 9 to 7, the rifle regiment being broken. Three of the general officers were to be reduced, with very many of the officers belonging to the several corps of the Army, and particularly of the infantry. All the provisions of the act declare of what number of officers and men the several corps provided for by it should thenceforward consist, and not that any corps as then existing or any officer of any corps, unless the topographical engineers were excepted, should be retained. Had it been intended to reduce the officers by corps, or to exempt the officers of any corps from the operation of the law, or in the organization of the several new corps to confine the selection of the officers to be placed in them to the several corps of the like kind then existing, and not extend it to the

whole military establishment, including the staff, or to confine the reduction to a proportional number of each corps and of each grade in each corps, the object in either instance might have been easily accomplished by a declaration to that effect. No such declaration was made, nor can such intention be inferred. We see, on the contrary, that every corps of the Army and staff was to be reorganized, and most of them reduced in officers and men, and that in arranging the officers from the old to the new corps full power was granted to the President to take them from any and every corps of the former establishment and place them in the latter. In this latter grant of power it is proper to observe that the most comprehensive terms that could be adopted were used, the authority being to cause the arrangement to be made from the officers of the several *corps* then in the service of the United States, comprising, of course, every corps of the staff, as well as of artillery and infantry, and not from the *corps of troops*, as in the former act, and without any limitation as to grades.

It merits particular attention that although the object of this latter act was reduction and such its effect on an extensive scale, 5 new offices were created by it—4 of the grade of colonel for the 4 regiments of artillery and that of Adjutant-General for the Army. Three of the first mentioned were altogether new, the corps having been newly created, and although 1 officer of that grade as applicable to the corps of light artillery had existed, yet as that regiment was reduced and all its parts reorganized in another form and with other duties, being incorporated into the 4 new regiments, the commander was manifestly displaced and incapable of taking the command of either of the new regiments or any station in them until he should be authorized to do so by a new appointment. The same remarks are applicable to the office of Adjutant-General to the Army. It is an office of new creation, differing from that of Adjutant and Inspector General, and likewise from that of adjutant-general to a division, which were severally annulled. It differs from the first in title, rank, and pay, and from the two latter because they had been created by law each for a division, whereas the new office, being instituted without such special designation, could have relation only to the whole Army. It was manifest, therefore, that neither of those officers had any right to this new station nor to any other station unless he should be specially appointed to it, the principle of reduction being applicable to every officer in every corps. It is proper also to observe that the duties of Adjutant-General under the existing arrangement correspond in almost every circumstance with those of the late Adjutant and Inspector General, and not with those of an adjutant-general of a division.

To give effect to this law the President was authorized by the twelfth section to cause the officers, noncommissioned officers, artificers, musicians, and privates of the several corps then in the service of the United States to be arranged in such manner as to form and complete out of the same the force thereby provided for, and to cause the supernumerary

officers, noncommissioned officers, artificers, musicians, and privates to be discharged from the service.

In executing this very delicate and important trust I acted with the utmost precaution. Sensible of what I owed to my country, I felt strongly the obligation of observing the utmost impartiality in selecting those officers who were to be retained. In executing this law I had no personal object to accomplish or feeling to gratify—no one to retain, no one to remove. Having on great consideration fixed the principles on which the reduction should be made, I availed myself of the example of my predecessor by appointing through the proper department a board of general officers to make the selection, and whose report I adopted.

In transferring the officers from the old to the new corps the utmost care was taken to place them in the latter in the grades and corps to which they had respectively belonged in the former, so far as it might be practicable. This, though not enjoined by the law, appearing to be just and proper, was never departed from except in peculiar cases and under imperious circumstances.

In filling the original vacancies in the artillery and in the newly created office of Adjutant-General I considered myself at liberty to place in them any officer belonging to any part of the whole military establishment, whether of the staff or line. In filling original vacancies—that is, offices newly created—it is my opinion, as a general principle, that Congress have no right under the Constitution to impose any restraint by law on the power granted to the President so as to prevent his making a free selection of proper persons for these offices from the whole body of his fellow-citizens. Without, however, entering here into that question, I have no hesitation in declaring it as my opinion that the law fully authorized a selection from any branch of the whole military establishment of 1815. Justified, therefore, as I thought myself in taking that range by the very highest sanction, the sole object to which I had to direct my attention was the merit of the officers to be selected for these stations. Three generals of great merit were either to be dismissed or otherwise provided for. The very gallant and patriotic defender of New Orleans had intimated his intention to retire, but at my suggestion expressed his willingness to accept the office of commissioner to receive the cession of the Floridas and of governor for a short time of that Territory. As to one, therefore, there was no difficulty. For the other two provision could only be made in the mode which was adopted. General Macomb, who had signalized himself in the defense of Plattsburg, was placed at the head of the Corps of Engineers, to which he had originally belonged, and in which he had acquired great experience, Colonel Armistead, then at the head of that corps, having voluntarily accepted one of the new regiments of artillery, for which he possessed very suitable qualifications. General Atkinson, likewise an officer of great merit, was appointed to the newly created office of Adjutant-General. Brevet General Porter, an officer of great experience in the

artillery, and merit, was appointed to the command of another of those regiments. Colonel Fenwick, then the oldest lieutenant-colonel of artillery, and who had suffered much in the late war by severe wounds, was appointed to a third, and Colonel Towson, who had served with great distinction in the same corps and been twice brevetted for his gallantry in the late war, was appointed to the last remaining one. General Atkinson having declined the office of Adjutant-General, Colonel Gadsden, an officer of distinguished merit and believed to possess qualifications suitably adapted to it, was appointed in his stead. In making the arrangement the merits of Colonel Butler and Colonel Jones were not overlooked. The former was assigned to the place which he would have held in the line if he had retained his original lineal commission, and the latter to his commission in the line, which he had continued to hold with his staff appointment.

That the reduction of the Army and the arrangement of the officers from the old to the new establishment and the appointments referred to were in every instance strictly conformable to law will, I think, be apparent. To the arrangement generally no objection has been heard; it has been made, however, to the appointments to the original vacancies, and particularly to those of Colonel Towson and Colonel Gadsden. To those appointments, therefore, further attention is due. If they were improper it must be either that they were illegal or that the officers did not merit the offices conferred on them. The acknowledged merit of the officers and their peculiar fitness for the offices to which they were respectively appointed must preclude all objection on that head. Having already suggested my impression that in filling offices newly created, to which on no principle whatever anyone could have a claim of right, Congress could not under the Constitution restrain the free selection of the President from the whole body of his fellow-citizens, I shall only further remark that if that impression is well founded all objection to these appointments must cease. If the law imposed such restraint, it would in that case be void. But, according to my judgment, the law imposed none. An objection to the legality of those appointments must be founded either on the principle that those officers were not comprised within the corps then in the service of the United States—that is, did not belong to the peace establishment—or that the power granted by the word "arrange" imposed on the President the necessity of placing in these new offices persons of the same grade only from the old. It is believed that neither objection is well founded. Colonel Towson belonged to one of the corps then in the service of the United States, or, in other words, of the military peace establishment. By the act of 1815–16 the Pay Department, of which the Paymaster-General was the chief, was made one of the branches of the staff, and he and all those under him were subjected to the Rules and Articles of War. The appointment, therefore, of him, and especially to a new office, was strictly comformable to law.

The only difference between the fifth section of the act of 1815 for reducing the Army and the twelfth section of the act of 1821 for still further reducing it, by which the power to carry those laws into effect was granted to the President in each instance, consists in this, that by the former he was to cause the arrangement to be made of the officers, noncommissioned officers, musicians, and privates of the several *corps of troops* then in the service of the United States, whereas in the latter the term *troops* was omitted. It can not be doubted that that omission had an object, and that it was thereby intended to guard against misconstruction in so very material and important a circumstance by authorizing the application of the act unequivocally to every corps of the staff as well as of the line. With that word a much wider range was given to the act of 1815 on the reduction which then took place than under the last act. The omission of it from the last act, together with all the sanctions which were given by Congress to the construction of the law in the reduction made under the former, could not fail to dispel all doubt as to the extent of the power granted by the last law and of the principles which ought to guide, and on which it was thereby made the duty of the President to execute it. With respect to the other objection—that is, that officers of the same grade only ought to have been transferred to these new offices—it is equally unfounded. It is admitted that officers may be taken from the old corps and reduced and arranged in the new in inferior grades, as was done under the former reduction. This admission puts an end to the objection in this case; for if an officer may be reduced and arranged from one corps to another by an entire change of grade, requiring a new commission and a new nomination to the Senate, I see no reason why an officer may not be advanced in like manner. In both instances the grade in the old corps is alike disregarded. The transfer from it to the new turns on the merit of the party, and it is believed that the claim in this instance is felt by all with peculiar sensibility. The claim of Colonel Towson is the stronger because the arrangement of him to the office to which he is now nominated is not to one from which any officer has been removed, and to which any other officer may in any view of the case be supposed to have had a claim. As Colonel Gadsden held the office of Inspector-General, and as such was acknowledged by all to belong to the staff of the Army, it is not perceived on what ground his appointment can be objected to.

If such a construction is to be given to the act of 1821 as to confine the transfer of officers from the old to the new establishment to the *corps of troops*—that is, to the line of the Army—the whole staff of the Army in every branch would not only be excluded from any appointment in the new establishment, but altogether disbanded from the service. It would follow also that all the offices of the staff under the new arrangement must be filled by officers belonging to the new establishment after its organization and their arrangement in it. Other consequences not less

serious would follow. If the right of the President to fill these original vacancies by the selection of officers from any branch of the whole military establishment was denied, he would be compelled to place in them officers of the same grade whose corps had been reduced, and they with them. The effect, therefore, of the law as to those appointments would be to legislate into office men who had been already legislated out of office, taking from the President all agency in their appointment. Such a construction would not only be subversive of the obvious principles of the Constitution, but utterly inconsistent with the spirit of the law itself, since it would provide offices for a particular grade, and fix every member of that grade in those offices, at a time when every other grade was reduced, and among them generals and other officers of the highest merit. It would also defeat every object of selection, since colonels of infantry would be placed at the head of regiments of artillery, a service in which they might have had no experience, and for which they might in consequence be unqualified.

Having omitted in the message to Congress at the commencement of the session to state the principles on which this law had been executed, and having imperfectly explained them in the message to the Senate of the 17th of January last, I deem it particularly incumbent on me, as well from a motive of respect to the Senate as to place my conduct in the duty imposed on me by that act in a clear point of view, to make this communication at this time. The examples under the law of 1815, whereby officers were reduced and arranged from the old corps to the new in inferior grades, fully justify all that has been done under the law of 1821. If the power to arrange under the former law authorized the removal of one officer from a particular station and the location of another in it, reducing the latter from a higher to an inferior grade, with the advice and consent of the Senate, it surely justifies under the latter law the arrangement of these officers, with a like sanction, to offices of new creation, from which no one had been removed and to which no one had a just claim. It is on the authority of these examples, supported by the construction which I gave to the law, that I have acted in the discharge of this high trust. I am aware that many officers of great merit, having the strongest claims on their country, have been reduced and others dismissed, but under the law that result was inevitable. It is believed that none have been retained who had not, likewise, the strongest claims to the appointments which have been conferred on them. To discriminate between men of acknowledged merit, especially in a way to affect so sensibly and materially their feelings and interests, for many of whom I have personal consideration and regard, has been a most painful duty; yet I am conscious that I have discharged it with the utmost impartiality. Had I opened the door to change in any case, even where error might have been committed, against whom could I afterwards have closed it, and into what consequences might not such a proceeding have led? The same remarks are applicable

to the subject in its relation to the Senate, to whose calm and enlightened judgment, with these explanations, I again submit the nominations which have been rejected.

JAMES MONROE.

APRIL 15, 1822.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 12th instant, requesting the President of the United States "to cause to be laid before the Senate the original proceedings of the board of general officers charged with the reduction of the Army under the act of the 2d of March, 1821, together with all communications to and from said board on the subject of reducing the Army, including the case submitted to the Attorney-General, and his opinion thereon," I now transmit a report from the Secretary of War, furnishing the information requested.

JAMES MONROE.

WASHINGTON, *April 15, 1822.*

To the Senate of the United States:

In compliance with a resolution of the Senate requesting the President of the United States to lay before that House any report or information which may be in his possession as to the most eligible situation on the Western waters for the erection of a national arsenal, I herewith transmit a report from the Secretary of War, containing all the information on that subject in the possession of the Executive.

JAMES MONROE.

WASHINGTON, *April 15. 1822.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 16th of February last, requesting the President of the United States "to communicate to that House whether any foreign government has made any claim to any part of the territory of the United States upon the coast of the Pacific Ocean north of the forty-second degree of latitude, and to what extent; whether any regulations have been made by foreign powers affecting the trade on that coast, and how it affects the interest of this Republic, and whether any communications have been made to this Government by foreign powers touching the contemplated occupation of Columbia River," I now transmit a report from the Secretary of State, containing the information embraced by that resolution.

JAMES MONROE.

WASHINGTON, *April 18, 1822.*

To the House of Representatives:

I communicate to the House of Representatives copies of sundry papers having relation to the transactions in East and West Florida, which have been received at the Department of State since my message to the two Houses of Congress of the 28th of January last, together with copies of two letters from the Secretary of State upon the same subject.

JAMES MONROE.

[The same message was sent to the Senate.]

WASHINGTON, *April 23, 1822.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 29th January last, requesting the President of the United States to cause to be communicated to that House certain information relative to the claim made by Jonathan Carver to certain lands within the United States near the Falls of St. Anthony, I now transmit a report of the Secretary of the Treasury, which, with the accompanying documents, contains all the information on this subject in the possession of the Executive.

JAMES MONROE.

WASHINGTON, *April 26, 1822.*

To the Senate of the United States:

I transmit to the Senate, agreeably to their resolution of yesterday, a report from the Secretary of State, with copies of the papers requested by that resolution, in relation to the recognition of the South American Provinces.

JAMES MONROE.

WASHINGTON, *April 29, 1822.*

To the House of Representatives:

I transmit to the House of Representatives a report from the Secretary of State, in pursuance of their resolution of the 29th instant,* "requesting to be furnished with a copy of the judicial proceedings in the United States court for the district of Louisiana in the case of the French slave ship *La Pensee.*"

JAMES MONROE.

WASHINGTON, *April 30, 1822.*

To the Senate of the United States:

In compliance with a resolution of the Senate, requesting the President of the United States to cause to be laid before the Senate certain information respecting the practical operation of the system of subsisting the

*An error; so in the original message. The date of the resolution is the 18th of April.

Army under the provisions of the act passed the 14th of April, 1818, etc., I herewith transmit a report from the Secretary of War, furnishing the information required.

JAMES MONROE.

WASHINGTON, *May 1, 1822.*

To the Senate and House of Representatives of the United States:

In the message to both Houses of Congress at the commencement of their present session it was mentioned that the Government of Norway had issued an ordinance for admitting the vessels of the United States and their cargoes into the ports of that Kingdom upon the payment of no other or higher duties than are paid by Norwegian vessels, of whatever articles the said cargoes may consist and from whatever ports the vessels laden with them may come.

In communicating this ordinance to the Government of the United States that of Norway has requested the benefit of a similar and reciprocal provision for the vessels of Norway and their cargoes which may enter the ports of the United States.

This provision being within the competency only of the legislative authority of Congress, I communicate to them herewith copies of the communications received from the Norwegian Government in relation to the subject, and recommend the same to their consideration.

JAMES MONROE.

WASHINGTON, *May 1, 1822.*

To the Senate and House of Representatives of the United States:

I transmit herewith to Congress copies of letters received at the Department of State from the minister of Great Britain on the subject of the duties discriminating between imported rolled and hammered iron. I recommend them particularly to the consideration of Congress, believing that although there may be ground for controversy with regard to the application of the engagements of the treaty to the case, yet a liberal construction of those engagements would be compatible at once with a conciliatory and a judicious policy.

JAMES MONROE.

WASHINGTON, *May 4, 1822.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 19th of April, requesting the President "to cause to be communicated to the House, if not injurious to the public interest, any letter which may have been received from Jonathan Russell, one of the ministers who concluded the treaty of Ghent, in conformity with the indications contained in his letter of the 25th of December, 1814," I have to state that having

referred the resolution to the Secretary of State, and it appearing, by a report from him, that no such document had been deposited among the archives of the Department, I examined and found among my private papers a letter of that description marked "private" by himself. I transmit a copy of the report of the Secretary of State, by which it appears that Mr. Russell, on being apprised that the document referred to by the resolution had not been deposited in the Department of State, delivered there "a paper purporting to be the duplicate of a letter written by him from Paris on the 11th of February, 1815, to the then Secretary of State, to be communicated to the House as the letter called for by the resolution."

On the perusal of the document called for I find that it communicates a difference of opinion between Mr. Russell and a majority of his colleagues in certain transactions which occurred in the negotiations at Ghent, touching interests which have been since satisfactorily adjusted by treaty between the United States and Great Britain. The view which Mr. Russell presents of his own conduct and that of his colleagues in those transactions will, it is presumed, call from the two surviving members of that mission who differed from him a reply containing their view of those transactions and of the conduct of the parties in them, and who, should his letter be communicated to the House of Representatives, will also claim that their reply should be communicated in like manner by the Executive—a claim which, on the principle of equal justice, could not be resisted. The Secretary of State, one of the ministers referred to, has already expressed a desire that Mr. Russell's letter should be communicated, and that I would transmit at the same time a communication from him respecting it.

On full consideration of the subject I have thought it would be improper for the Executive to communicate the letter called for unless the House, on a knowledge of these circumstances, should desire it, in which case the document called for shall be communicated, accompanied by a report from the Secretary of State, as above suggested. I have directed a copy to be delivered to Mr. Russell, to be disposed of as he may think proper, and have caused the original to be deposited in the Department of State, with instruction to deliver a copy to any person who may be interested.

JAMES MONROE.

WASHINGTON, *May 6, 1822.*

To the Senate and House of Representatives:

I transmit to Congress translations of two letters from Don Joaquin d'Anduaga to the Secretary of State, which have been received at the Department of State since my last message communicating copies of his correspondence with this Government.

JAMES MONROE.

Don Joaquin de Anduaga to the Secretary of State.

[Translation.]

PHILADELPHIA, *April 24, 1822.*

SIR: As soon as the news was received in Madrid of the recent occurrences in New Spain after the arrival at Vera Cruz of the Captain-General and supreme political chief appointed for those Provinces, Don Juan O. Donojú, and some papers were seen relative to those same transactions, it was feared that for forming the treaty concluded in Cordova on the 24th of August last between the said General and the traitor, Colonel Dr. Augustine Iturbide, it had been falsely supposed that the former had power from His Catholic Majesty for that act, and in a little time the correctness of those suspicions was found, as, among other things, the said O. Donojú, when on the 26th of the same August he sent this treaty to the governor of Vera Cruz, notifying him of its prompt and punctual observance, he told him that at his sailing from the Peninsula preparation for the independence of Mexico was already thought of, and that its bases were approved of by the Government and by a commission of the Cortes. His Majesty, on sight of this and of the fatal impression which so great an imposture had produced in some ultramarine Provinces, and what must without difficulty be the consequence among the rest, thought proper to order that, by means of a circular to all the chiefs and corporations beyond seas, this atrocious falsehood should be disbelieved; and now he has deigned to command me to make it known to the Government of the United States that it is false as far as General O. Donojú published beyond his instructions, by pointing out to it that he never could have been furnished with other instructions than those conformable to constitutional principles.

In compliance with this order of His Majesty, I can do no less than observe to you, sir, how unfounded one of the reasons is in your note of the 6th instant for the recognition by this Government of those of the insurgent Provinces of Spanish-America—that it was founded on the treaty made by O. Donojú with Iturbide—since not having had that power nor instruction to conclude it it is clearly null and of no value.

I repeat to you, sir, the sentiments of my distinguished consideration, and pray God that you live many years.

JOAQUIN DE ANDUAGA.

Don Joaquin de Anduaga to the Secretary of State.

[Translation.]

PHILADELPHIA, *April 26, 1822.*

JOHN QUINCY ADAMS,
Secretary of State.

SIR: I have received your note of the 15th instant, in which you are pleased to communicate to me the reasons which induce the President not only to refuse to His Catholic Majesty the satisfaction which he demanded in his royal name for the insults offered by General Jackson to the Spanish commissaries and officers, but to approve fully of the said chief's conduct.

Before answering the contents of the said note I thought it my duty to request instructions from my Government, and therefore without delay I have laid it before them. Until they arrive, therefore, I have confined myself to two observations:

First. If in my note of the 18th of November last I said that as General Jackson had not specified the actions which had induced him to declare the Spanish officers expelled from the Floridas criminal, nor given proof of them, I thought myself authorized to declare the accusation false, I did not this through inadvertency, but upon the evident principle that every person accused has a right to declare an accu-

sation destitute of proof false, and, much more, an accusation not pretended to be proved. This assertion of mine does not presume that I am not persuaded of the merit of the said General and of the claim which he has upon the gratitude of his country; but although it is believed the duty of his country to eulogize and reward his eminent services, yet it will be lawful for the representative of a power outraged by him to complain of his conduct. I can not persuade myself that to aggravate my said expression you could have thought that I had been wanting in due respect, it not being possible for that opinion to have entered your mind, when by his orders Mr. Forsyth had sent to the Spanish minister on the 1st of September last a note, in which, complaining of the Captain-General of the island of Cuba, he accuses him of dishonorable pecuniary motives in not having delivered the archives, without giving any proof of so injurious an assertion; and I must remark that the rank of General Mabry in Spain is at least as elevated as that of General Jackson in the United States, and that the services performed by him to his country have rendered him as worthy as he of its consideration and respect.

Second. Although you are pleased to tell me that part of the papers taken from Colonel Coppinger are ready to be delivered, which the American commissioners, *after having examined them*, have adjudged to be returned to Spain, I do not think myself authorized to admit their return in this manner, but in the mode which I demanded in my note of the 22d of November last.

As I have seen by the public papers that the President has communicated to Congress the note which you were pleased to address to me, dated the 15th instant, and that it has been ordered to be printed, I take the liberty of requesting that you will have the goodness to use your influence that this my answer may be treated in the same manner, that Congress and the public may be informed that if I have not answered the first part of it as respects the general business, it is only to wait for the instructions of my Government, but that I have answered what was personal.

I renew to you, sir, the sentiments of my distinguished consideration.

JOAQUIN DE ANDUAGA.

WASHINGTON, *May 6, 1822.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 26th of April, requesting the President of the United States "to communicate to the Senate the report of the Attorney-General relative to any persons (citizens of the United States) who have been charged with or suspected of introducing any slaves into the United States contrary to existing laws," I transmit herewith two reports from the Attorney-General.

JAMES MONROE.

WASHINGTON, *May 7, 1822.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 25th of April, requesting certain information concerning lead mines on lands of the United States, I herewith transmit a report from the Secretary of War.

JAMES MONROE.

WASHINGTON, *May 7, 1822.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 23d of April, requesting the President of the United States to cause to be communicated to that House certain information respecting the lead mines of the State of Missouri, I herewith transmit a report of the Secretary of War.

JAMES MONROE.

WASHINGTON, *May 7, 1822.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 7th of May, requesting the President to communicate to that House a letter of Jonathan Russell, esq., referred to in his message of the 4th instant, together with such communications as he may have received relative thereto from any of the other ministers of the United States who negotiated the treaty of Ghent, I herewith transmit a report from the Secretary of State, with the documents called for by that resolution.

JAMES MONROE.

VETO MESSAGE.

WASHINGTON, *May 4, 1822.*

To the House of Representatives:

Having duly considered the bill entitled "An act for the preservation and repair of the Cumberland road," it is with deep regret, approving as I do the policy, that I am compelled to object to its passage and to return the bill to the House of Representatives, in which it originated, under a conviction that Congress do not possess the power under the Constitution to pass such a law.

A power to establish turnpikes with gates and tolls, and to enforce the collection of tolls by penalties, implies a power to adopt and execute a complete system of internal improvement. A right to impose duties to be paid by all persons passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor on a valuation and to pass laws for the protection of the road from injuries, and if it exist as to one road it exists as to any other, and to as many roads as Congress may think proper to establish. A right to legislate for one of these purposes is a right to legislate for the others. It is a complete right of jurisdiction and sovereignty for all the purposes of internal improvement, and not merely the right of applying money under the power vested in Congress to make appropriations, under which power,

with the consent of the States through which this road passes, the work was originally commenced, and has been so far executed. I am of opinion that Congress do not possess this power; that the States individually can not grant it, for although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty by special compacts with the United States. This power can be granted only by an amendment to the Constitution and in the mode prescribed by it.

If the power exist, it must be either because it has been specifically granted to the United States or that it is incidental to some power which has been specifically granted. If we examine the specific grants of power we do not find it among them, nor is it incidental to any power which has been specifically granted.

It has never been contended that the power was specifically granted. It is claimed only as being incidental to some one or more of the powers which are specifically granted. The following are the powers from which it is said to be derived:

First, from the right to establish post-offices and post-roads; second, from the right to declare war; third, to regulate commerce; fourth, to pay the debts and provide for the common defense and general welfare; fifth, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof; sixth and lastly, from the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States.

According to my judgment it can not be derived from either of those powers, nor from all of them united, and in consequence it does not exist.

Having stated my objections to the bill, I should now cheerfully communicate at large the reasons on which they are founded if I had time to reduce them to such form as to include them in this paper. The advanced stage of the session renders that impossible. Having at the commencement of my service in this high trust considered it a duty to express the opinion that the United States do not possess the power in question, and to suggest for the consideration of Congress the propriety of recommending to the States an amendment to the Constitution to vest the power in the United States, my attention has been often drawn to the subject since, in consequence whereof I have occasionally committed my sentiments to paper respecting it. The form which this exposition has assumed is not such as I should have given it had it been intended for Congress, nor is it concluded. Nevertheless, as it contains my views on this subject, being one which I deem of very high importance, and which in many of its bearings has now become peculiarly urgent, I will communicate it to Congress, if in my power, in the course of the day, or certainly on Monday next.

JAMES MONROE.

WASHINGTON, *May 4, 1822.*

To the House of Representatives:

I transmit the paper alluded to in the message of this day, on the subject of internal improvements.

JAMES MONROE.

VIEWS OF THE PRESIDENT OF THE UNITED STATES ON THE SUBJECT OF INTERNAL IMPROVEMENTS.

It may be presumed that the proposition relating to internal improvements by roads and canals, which has been several times before Congress, will be taken into consideration again either for the purpose of recommending to the States the adoption of an amendment to the Constitution to vest the necessary power in the General Government or to carry the system into effect on the principle that the power has already been granted. It seems to be the prevailing opinion that great advantage would be derived from the exercise of such a power by Congress. Respecting the right there is much diversity of sentiment. It is of the highest importance that this question should be settled. If the right exist, it ought forthwith to be exercised. If it does not exist, surely those who are friends to the power ought to unite in recommending an amendment to the Constitution to obtain it. I propose to examine this question.

The inquiry confined to its proper objects and within the most limited scale is extensive. Our Government is unlike other governments both in its origin and form. In analyzing it the differences in certain respects between it and those of other nations, ancient and modern, necessarily come into view. I propose to notice these differences so far as they are connected with the object of inquiry, and the consequences likely to result from them, varying in equal degree from those which have attended other governments. The digression, if it may be so called, will in every instance be short and the transition to the main object immediate and direct.

To do justice to the subject it will be necessary to mount to the source of power in these States and to pursue this power in its gradations and distribution among the several departments in which it is now vested. The great division is between the State governments and the General Government. If there was a perfect accord in every instance as to the precise extent of the powers granted to the General Government, we should then know with equal certainty what were the powers which remained to the State governments, since it would follow that those which were not granted to the one would remain to the other. But it is on this point, and particularly respecting the construction of these powers and their incidents, that a difference of opinion exists, and hence it is necessary to trace distinctly the origin of each government, the purposes intended by it, and the means adopted to accomplish them. By having the interior of both governments fully before us we shall have all the means which can be afforded to enable us to form a correct opinion of the endowments of each.

Before the Revolution the present States, then colonies, were separate communities, unconnected with each other except in their common relation to the Crown. Their governments were instituted by grants from the Crown, which operated, according to the conditions of each grant, in the nature of a compact between the settlers in each colony and the Crown. All power not retained in the Crown was vested exclusively in the colonies, each having a government consisting of an executive, a judiciary, and a legislative assembly, one branch of which was in every instance elected by the people. No office was hereditary, nor did any title under the Crown give rank or office in any of the colonies. In resisting the encroachments of the parent country and abrogating the power of the Crown the authority which had been held by it vested exclusively in the people of the colonies. By them was a Congress appointed, com-

posed of delegates from each colony, who managed the war, declared independence, treated with foreign powers, and acted in all things according to the sense of their constituents. The Declaration of Independence confirmed in form what had before existed in substance. It announced to the world new States, possessing and exercising complete sovereignty, which they were resolved to maintain. They were soon after recognized by France and other powers, and finally by Great Britain herself in 1783.

Soon after the power of the Crown was annulled the people of each colony established a constitution or frame of government for themselves, in which these separate branches—legislative, executive, and judiciary—were instituted, each independent of the others. To these branches, each having its appropriate portion, the whole power of the people not delegated to Congress was communicated, to be exercised for their advantage on the representative principle by persons of their appointment, or otherwise deriving their authority immediately from them, and holding their offices for stated terms. All the powers necessary for useful purposes held by any of the strongest governments of the Old World not vested in Congress were imparted to these State governments without other checks than such as are necessary to prevent abuse, in the form of fundamental declarations or bills of right. The great difference between our governments and those of the Old World consists in this, that the former, being representative, the persons who exercise their powers do it not for themselves or in their own right, but for the people, and therefore while they are in the highest degree efficient they can never become oppressive. It is this transfer of the power of the people to representative and responsible bodies in every branch which constitutes the great improvement in the science of government and forms the boast of our system. It combines all the advantages of every known government without any of their disadvantages. It retains the sovereignty in the people, while it avoids the tumult and disorder incident to the exercise of that power by the people themselves. It possesses all the energy and efficiency of the most despotic governments, while it avoids all the oppressions and abuses inseparable from those governments.

In every stage of the conflict from its commencement until March, 1781, the powers of Congress were undefined, but of vast extent. The assemblies or conventions of the several colonies being formed by representatives from every county in each colony and the Congress by delegates from each colonial assembly, the powers of the latter for general purposes resembled those of the former for local. They rested on the same basis, the people, and were complete for all the purposes contemplated. Never was a movement so spontaneous, so patriotic, so efficient. The nation exerted its whole faculties in support of its rights, and of its independence after the contest took that direction, and it succeeded. It was, however, foreseen at a very early stage that although the patriotism of the country might be relied on in the struggle for its independence, a well-digested compact would be necessary to preserve it after obtained. A plan of confederation was in consequence proposed and taken into consideration by Congress even at the moment when the other great act which severed them from Great Britain and declared their independence was proclaimed to the world. This compact was ratified on the 21st March, 1781, by the last State, and thereupon carried into immediate effect.

The following powers were vested in the United States by the Articles of Confederation. As this, the first bond of union, was in operation nearly eight years, during which time a practical construction was given to many of its powers, all of which were adopted in the Constitution with important additions, it is thought that a correct view of those powers and of the manner in which they are executed may shed light on the subject under consideration. It may fairly be presumed that where certain powers were transferred from one instrument to the other and in the same terms, or terms descriptive only of the same powers, that it was intended that they should be construed in the same sense in the latter that they were in the former.

Article I declares that the style of the Confederacy shall be "The United States of America."

Article II. Each State retains its sovereignty, freedom, and independence, and every power and right which is not expressly delegated to the United States.

Article III. The States severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them on account of religion, sovereignty, trade, etc.

Article IV. The free inhabitants of each State, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States, etc. Fugitives from justice into any of the States shall be delivered up on the demand of the executive of the State from which they fled. Full faith and credit shall be given in each State to the records and acts of every other State.

Article V. Delegates shall be annually appointed by the legislature of each State to meet in Congress on the first Monday in November, with a power to recall, etc. No State shall appoint less than two nor more than seven, nor shall any delegate hold his office for more than three in six years. Each State shall maintain its own delegates. Each State shall have one vote. Freedom of speech shall not be impeached, and the members shall be protected from arrests, except for treason, etc.

Article VI. No State shall send or receive an embassy or enter into a treaty with a foreign power. Nor shall any person holding any office of profit or trust under the United States or any State accept any present, emolument, office, or title from a foreign power. Nor shall the United States or any State grant any title of nobility. No two States shall enter into any treaty without the consent of Congress. No State shall lay any imposts or duties which may interfere with any treaties entered into by the United States. No State shall engage in war unless it be invaded or menaced with invasion by some Indian tribe, nor grant letters of marque or reprisal unless it be against pirates, nor keep up vessels of war nor any body of troops in time of peace without the consent of Congress; but every State shall keep up a well-regulated militia, etc.

Article VII. When land forces are raised by any State for the common defense, all officers of and under the rank of colonel shall be appointed by the legislature of each State.

Article VIII. All charges of war and all other expenses which shall be incurred for the common defense or general welfare shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all the land in each State granted to individuals. The taxes for paying each proportion shall be levied by the several States.

Article IX. Congress shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into alliances, except, etc.; of establishing rules for deciding what captures on land and water shall be legal; of granting letters of marque and reprisal in time of peace; appointing courts for the trial of piracies and felonies on the high seas; for deciding controversies between the States and between individuals claiming lands under two or more States whose jurisdiction has been adjusted; of regulating the alloy and value of coin struck by their authority and of foreign coin; fixing the standard of weights and measures; regulating the trade with the Indians; establishing and regulating post-offices from one State to another and throughout all the States, and exacting such postage as may be requisite to defray the expenses of the office; of appointing all officers of the land forces except the regimental; appointing all the officers of the naval forces; to ascertain the necessary sums of money to be raised for the service of the United States and appropriate the same; to borrow money and emit bills of credit; to build and equip a Navy; to agree

on the number of land forces and to make requisitions on each State for its quota; that the assent of nine States shall be requisite to these great acts.

Article X regulates the powers of the committee of the States to sit in the recess of Congress.

Article XI provides for the admission of Canada into the Confederation.

Article XII pledges the faith of the United States for the payment of all bills of credit issued and money borrowed on their account.

Article XIII. Every State shall abide by the determination of the United States on all questions submitted to them by the Confederation, the Articles of the Confederation to be perpetual and not to be altered without the consent of every State.

This bond of union was soon found to be utterly incompetent to the purposes intended by it. It was defective in its powers; it was defective also in the means of executing the powers actually granted by it. Being a league of sovereign and independent States, its acts, like those of all other leagues, required the interposition of the States composing it to give them effect within their respective jurisdictions. The acts of Congress without the aid of State laws to enforce them were altogether nugatory. The refusal or omission of one State to pass such laws was urged as a reason to justify like conduct in others, and thus the Government was soon at a stand.

The experience of a few years demonstrated that the Confederation could not be relied on for the security of the blessings which had been derived from the Revolution. The interests of the nation required a more efficient Government, which the good sense and virtue of the people provided by the adoption of the present Constitution.

The Constitution of the United States was formed by a convention of delegates from the several States, who met in Philadelphia, duly authorized for the purpose, and it was ratified by a convention in each State which was especially called to consider and decide on the same. In this progress the State governments were never suspended in their functions. On the contrary, they took the lead in it. Conscious of their incompetency to secure to the Union the blessings of the Revolution, they promoted the diminution of their own powers and the enlargement of those of the General Government in the way in which they might be most adequate and efficient. It is believed that no other example can be found of a Government exerting its influence to lessen its own powers, of a policy so enlightened, of a patriotism so pure and disinterested. The credit, however, is more especially due to the people of each State, in obedience to whose will and under whose control the State governments acted.

The Constitution of the United States, being ratified by the people of the several States, became of necessity to the extent of its powers the paramount authority of the Union. On sound principles it can be viewed in no other light. The people, the highest authority known to our system, from whom all our institutions spring and on whom they depend, formed it. Had the people of the several States thought proper to incorporate themselves into one community, under one government, they might have done it. They had the power, and there was nothing then nor is there anything now, should they be so disposed, to prevent it. They wisely stopped, however, at a certain point, extending the incorporation to that point, making the National Government thus far a consolidated Government, and preserving the State governments without that limit perfectly sovereign and independent of the National Government. Had the people of the several States incorporated themselves into one community, they must have remained such, their Constitution becoming then, like the constitution of the several States, incapable of change until altered by the will of the majority. In the institution of a State government by the citizens of a State a compact is formed to which all and every citizen are equal parties. They are also the sole parties and may amend it at pleasure. In the institution of the Government of the United States by the citizens of every State a compact was formed between the whole American

people which has the same force and partakes of all the qualities to the extent of its powers as a compact between the citizens of a State in the formation of their own constitution. It can not be altered except by those who formed it or in the mode prescribed by the parties to the compact itself.

This Constitution was adopted for the purpose of remedying all defects of the Confederation, and in this it has succeeded beyond any calculation that could have been formed of any human institution. By binding the States together the Constitution performs the great office of the Confederation; but it is in that sense only that it has any of the properties of that compact, and in that it is more effectual to the purpose, as it holds them together by a much stronger bond; and in all other respects in which the Confederation failed the Constitution has been blessed with complete success. The Confederation was a compact between separate and independent States, the execution of whose articles in the powers which operated internally depended on the State governments. But the great office of the Constitution, by incorporating the people of the several States to the extent of its powers into one community and enabling it to act directly on the people, was to annul the powers of the State governments to that extent, except in cases where they were concurrent, and to preclude their agency in giving effect to those of the General Government. The Government of the United States relies on its own means for the execution of its powers, as the State governments do for the execution of theirs, both governments having a common origin or sovereign, the people—the State governments the people of each State, the National Government the people of every State—and being amenable to the power which created it. It is by executing its functions as a Government thus originating and thus acting that the Constitution of the United States holds the States together and performs the office of a league. It is owing to the nature of its powers and the high source from whence they are derived—the people—that it performs that office better than the Confederation or any league which ever existed, being a compact which the State governments did not form, to which they are not parties, and which executes its own powers independently of them.

There were two separate and independent governments established over our Union, one for local purposes over each State by the people of the State, the other for national purposes over all the States by the people of the United States. The whole power of the people, on the representative principle, is divided between them. The State governments are independent of each other, and to the extent of their powers are complete sovereignties. The National Government begins where the State governments terminate, except in some instances where there is a concurrent jurisdiction between them. This Government is also, according to the extent of its powers, a complete sovereignty. I speak here, as repeatedly mentioned before, altogether of representative sovereignties, for the real sovereignty is in the people alone.

The history of the world affords no such example of two separate and independent governments established over the same people, nor can it exist except in governments founded on the sovereignty of the people. In monarchies and other governments not representative there can be no such division of power. The government is inherent in the possessor; it is his, and can not be taken from him without a revolution. In such governments alliances and leagues alone are practicable. But with us individuals count for nothing in the offices which they hold; that is, they have no right to them. They hold them as representatives, by appointment from the people, in whom the sovereignty is exclusively vested. It is impossible to speak too highly of this system taken in its twofold character and in all its great principles of two governments, completely distinct from and independent of each other, each constitutional, founded by and acting directly on the people, each competent to all its purposes, administering all the blessings for which it was instituted, without even the most remote danger of exercising any of its powers in a way to oppress the people. A system capable of expansion over a vast territory not only without weakening either

government, but enjoying the peculiar advantage of adding thereby new strength and vigor to the faculties of both; possessing also this additional advantage, that while the several States enjoy all the rights reserved to them of separate and independent governments, and each is secured by the nature of the Federal Government, which acts directly on the people, against the failure of the others to bear their equal share of the public burdens, and thereby enjoys in a more perfect degree all the advantages of a league, it holds them together by a bond altogether different and much stronger than the late Confederation or any league that was ever known before—a bond beyond their control, and which can not even be amended except in the mode prescribed by it. So great an effort in favor of human happiness was never made before; but it became those who made it. Established in the new hemisphere, descended from the same ancestors, speaking the same language, having the same religion and universal toleration, born equal and educated in the same principles of free government, made independent by a common struggle and menaced by the same dangers, ties existed between them which never applied before to separate communities. They had every motive to bind them together which could operate on the interests and affections of a generous, enlightened, and virtuous people, and it affords inexpressible consolation to find that these motives had their merited influence.

In thus tracing our institutions to their origin and pursuing them in their progress and modifications down to the adoption of this Constitution two important facts have been disclosed, on which it may not be improper in this stage to make a few observations. The first is that in wresting the power, or what is called the sovereignty, from the Crown it passed directly to the people. The second, that it passed directly to the people of each colony and not to the people of all the colonies in the aggregate; to thirteen distinct communities and not to one. To these two facts, each contributing its equal proportion, I am inclined to think that we are in an eminent degree indebted for the success of our Revolution. By passing to the people it vested in a community every individual of which had equal rights and a common interest. There was no family dethroned among us, no banished pretender in a foreign country looking back to his connections and adherents here in the hope of a recall; no order of nobility whose hereditary rights in the Government had been violated; no hierarchy which had been degraded and oppressed. There was but one order, that of the people, by whom everything was gained by the change. I mention it also as a circumstance of peculiar felicity that the great body of the people had been born and educated under these equal and original institutions. Their habits, their principles, and their prejudices were therefore all on the side of the Revolution and of free republican government.

Had distinct orders existed, our fortune might and probably would have been different. It would scarcely have been possible to have united so completely the whole force of the country against a common enemy. A contest would probably have arisen in the outset between the orders for the control. Had the aristocracy prevailed, the people would have been heartless. Had the people prevailed, the nobility would probably have left the country, or, remaining behind, internal divisions would have taken place in every State and a civil war broken out more destructive even than the foreign, which might have defeated the whole movement. Ancient and modern history is replete with examples proceeding from conflicts between distinct orders, of revolutions attempted which proved abortive, of republics which have terminated in despotism. It is owing to the simplicity of the elements of which our system is composed that the attraction of all the parts has been to a common center, that every change has tended to cement the union, and, in short, that we have been blessed with such glorious and happy success.

And that the power wrested from the British Crown passed to the people of each colony the whole history of our political movement from the emigration of our ancestors to the present day clearly demonstrates. What produced the Revolution?

The violation of our rights. What rights? Our chartered rights. To whom were the charters granted, to the people of each colony or to the people of all the colonies as a single community? We know that no such community as the aggregate existed, and of course that no such rights could be violated. It may be added that the nature of the powers which were given to the delegates by each colony and the manner in which they were executed show that the sovereignty was in the people of each and not in the aggregate. They respectively presented credentials such as are usual between ministers of separate powers, which were examined and approved before they entered on the discharge of the important duties committed to them. They voted also by colonies and not individually, all the members from one colony being entitled to one vote only. This fact alone, the first of our political association and at the period of our greatest peril, fixes beyond all controversy the source from whence the power which has directed and secured success to all our measures has proceeded.

Had the sovereignty passed to the aggregate, consequences might have ensued, admitting the success of our Revolution, which might even yet seriously affect our system. By passing to the people of each colony the opposition to Great Britain, the prosecution of the war, the Declaration of Independence, the adoption of the Confederation and of this Constitution are all imputable to them. Had it passed to the aggregate, every measure would be traced to that source; even the State governments might be said to have emanated from it, and amendments of their constitutions on that principle be proposed by the same authority. In short it is not easy to perceive all the consequences into which such a doctrine might lead. It is obvious that the people in mass would have had much less agency in all the great measures of the Revolution and in those which followed than they actually had, and proportionably less credit for their patriotism and services than they are now entitled to and enjoy. By passing to the people of each colony the whole body in each were kept in constant and active deliberation on subjects of the highest national importance and in the supervision of the conduct of all the public servants in the discharge of their respective duties. Thus the most effectual guards were provided against abuses and dangers of every kind which human ingenuity could devise, and the whole people rendered more competent to the self-government which by an heroic exertion they had acquired.

I will now proceed to examine the powers of the General Government, which, like the governments of the several States, is divided into three branches—a legislative, executive, and judiciary—each having its appropriate share. Of these the legislative, from the nature of its powers, all laws proceeding from it, and the manner of its appointment, its members being elected immediately by the people, is by far the most important. The whole system of the National Government may be said to rest essentially on the powers granted to this branch. They mark the limit within which, with few exceptions, all the branches must move in the discharge of their respective functions. It will be proper, therefore, to take a full and correct view of the powers granted to it.

By the eighth section of the first article of the Constitution it is declared that Congress shall have power—

First. To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States;

Second. To borrow money;

Third. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

Fourth. To establish an uniform rule of naturalization and uniform laws respecting bankruptcies;

Fifth. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;

Sixth. To provide for the punishment of counterfeiting the securities and current coin of the United States;

Seventh. To establish post-offices and post-roads;

Eighth. To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

Ninth. To constitute tribunals inferior to the Supreme Court, to define and punish piracies and felonies committed on the high seas, and offenses against the laws of nations;

Tenth. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

Eleventh. To raise and support armies;

Twelfth. To provide and maintain a navy;

Thirteenth. To make rules for the government of the land and naval forces;

Fourteenth. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

Fifteenth. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be in the service of the United States, reserving to the States the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

Sixteenth. To exercise exclusive legislation in all cases whatever over such district (not exceeding 10 miles square) as may, by the cession of particular States and the acceptance of by Congress, become the seat of Government of the United States; and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same may be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;

Seventeenth. And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

To the other branches of the Government the powers properly belonging to each are granted. The President, in whom the executive power is vested, is made commander in chief of the Army and Navy, and militia when called into the service of the United States. He is authorized, with the advice and consent of the Senate, two-thirds of the members present concurring, to form treaties, to nominate and, with the advice and consent of the Senate, to appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers whose appointments are not otherwise provided for by law. He has power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. It is made his duty to give to Congress from time to time information of the state of the Union, to recommend to their consideration such measures as he may judge necessary and expedient, to convene both Houses on extraordinary occasions, to receive ambassadors, and to take care that the laws be faithfully executed.

The judicial power is vested in one Supreme Court and in such inferior courts as Congress may establish; and it is made to extend to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority. Cases affecting ambassadors and other public characters, cases of admiralty and maritime jurisdiction, causes in which the United States are a party, between two or more States, between citizens of different States, between citizens of the same State claiming grants of land under different States, between a State or the citizens thereof and foreign States, are specially assigned to these tribunals.

Other powers have been granted in other parts of the Constitution which, although they relate to specific objects, unconnected with the ordinary administration, yet, as they form important features in the Government and may shed useful light on the

construction which ought to be given to the powers above enumerated, it is proper to bring into view.

By Article I, section 9, clause 1, it is provided that the migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding $10 for each person.

By Article III, section 3, clause 1, new States may be admitted by Congress into the Union, but that no new State shall be formed within the jurisdiction of another State, nor any State be formed by the junction of two or more States or parts of States without the consent of the legislature of the States concerned as well as of the United States. And by the next clause of the same article and section power is vested in Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, with a proviso that nothing in the Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

By Article IV, section 4, the United States guarantee to every State a republican form of government and engage to protect each of them against invasion; and on application of the legislature, or of the executive when the legislature can not be convened, against domestic violence.

Of the other parts of the Constitution relating to power, some form restraints on the exercise of the powers granted to Congress and others on the exercise of the powers remaining to the States. The object in both instances is to draw more completely the line between the two governments and also to prevent abuses by either. Other parts operate like conventional stipulations between the States, abolishing between them all distinctions applicable to foreign powers and securing to the inhabitants of each State all the rights and immunities of citizens in the several States.

By the fifth article it is provided that Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid as a part of the Constitution when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode may be proposed by Congress: *Provided*, That no State, without its consent, shall be deprived of its equal vote in the Senate, and that no amendment which may be made prior to the year 1808 shall affect the first and fourth clauses in the ninth section of the first article.

By the second section of the sixth article it is declared that the Constitution, and laws of the United States which shall be made in pursuance thereof, and all treaties made under the authority of the United States, shall be the supreme law of the land, and that the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding. This right in the National Government to execute its powers was indispensable to its existence. If the State governments had not been restrained from encroaching on the powers vested in the National Government, the Constitution, like the Confederation, would soon have been set at naught; and it was not within the limit of the human mind to devise any plan for the accomplishment of the object other than by making a national constitution which should be to the extent of its powers the supreme law of the land. This right in the National Government would have existed under the Constitution to the full extent provided for by this declaration had it not been made. To prevent the possibility of a doubt, however, on so important a subject it was proper to make the declaration.

Having presented above a full view of all the powers granted to the United States, it will be proper to look to those remaining to the States. It is by fixing the great powers which are admitted to belong to each government that we may hope to come

to a right conclusion respecting those in controversy between them. In regard to the National Government, this task was easy because its powers were to be found in specific grants in the Constitution; but it is more difficult to give a detail of the powers of the State governments, as their constitutions, containing all powers granted by the people not specifically taken from them by grants to the United States, can not well be enumerated. Fortunately, a precise detail of all the powers remaining to the State governments is not necessary in the present instance. A knowledge of their great powers only will answer every purpose contemplated, and respecting these there can be no diversity in opinion. They are sufficiently recognized and established by the Constitution of the United States itself. In designating the important powers of the State governments it is proper to observe, first, that the territory contemplated by the Constitution belongs to each State in its separate character and not to the United States in their aggregate character. Each State holds territory according to its original charter, except in cases where cessions have been made to the United States by individual States. The United States had none when the Constitution was adopted which had not been thus ceded to them and which they held on the conditions on which such cession had been made. Within the individual States it is believed that they held not a single acre; but if they did it was as citizens held it, merely as private property. The territory acquired by cession lying without the individual States rests on a different principle, and is provided for by a separate and distinct part of the Constitution. It is the territory within the individual States to which the Constitution in its great principles applies, and it applies to such territory as the territory of a State and not as that of the United States. The next circumstance to be attended to is that the people composing this Union are the people of the several States, and not of the United States in the full sense of a consolidated government. The militia are the militia of the several States; lands are held under the laws of the States; descents, contracts, and all the concerns of private property, the administration of justice, and the whole criminal code, except in the cases of breaches of the laws of the United States made under and in conformity with the powers vested in Congress and of the laws of nations, are regulated by State laws. This enumeration shows the great extent of the powers of the State governments. The territory and the people form the basis on which all governments are founded. The militia constitutes their effective force. The regulation and protection of property and of personal liberty are also among the highest attributes of sovereignty. This, without other evidence, is sufficient to show that the great office of the Constitution of the United States is to unite the States together under a Government endowed with powers adequate to the purposes of its institution, relating, directly or indirectly, to foreign concerns, to the discharge of which a National Government thus formed alone could be competent.

This view of the exclusive jurisdiction of the several States over the territory within their respective limits, except in cases otherwise specially provided for, is supported by the obvious intent of the several powers granted to Congress, to which a more particular attention is now due. Of these the right to declare war is perhaps the most important, as well by the consequences attending war as by the other powers granted in aid of it. The right to lay taxes, duties, imposts, and excises, though necessary for the support of the civil government, is equally necessary to sustain the charges of war; the right to raise and support armies and a navy and to call forth and govern the militia when in the service of the United States are altogether of the latter kind. They are granted in aid of the power to make war and intended to give effect to it. These several powers are of great force and extent, and operate more directly within the limits and upon the resources of the States than any of the other powers. But still they are means only for given ends. War is declared and must be maintained, an army and a navy must be raised, fortifications must be erected for the common defense, debts must be paid. For these purposes duties, imposts, and

excises are levied, taxes are laid, the lands, merchandise, and other property of the citizens are liable for them; if the money is not paid, seizures are made and the lands are sold. The transaction is terminated; the lands pass into other hands, who hold them, as the former proprietors did, under the laws of the individual States. They were means only to certain ends; the United States have nothing further to do with them. The same view is applicable to the power of the General Government over persons. The militia is called into the service of the United States; the service is performed; the corps returns to the State to which it belongs; it is the militia of such State, and not of the United States. Soldiers are required for the Army, who may be obtained by voluntary enlistment or by some other process founded in the principles of equality. In either case the citizen after the tour of duty is performed is restored to his former station in society, with his equal share in the common sovereignty of the nation. In all these cases, which are the strongest which can be given, we see that the right of the General Government is nothing more than what it is called in the Constitution, a power to perform certain acts, and that the subject on which it operates is a means only to that end; that it was both before and after that act under the protection and subject to the laws of the individual State within which it was.

To the other powers of the General Government the same remarks are applicable and with greater force. The right to regulate commerce with foreign powers was necessary as well to enable Congress to lay and collect duties and imposts as to support the rights of the nation in the intercourse with foreign powers. It is executed at the ports of the several States and operates almost altogether externally. The right to borrow and coin money and to fix its value and that of foreign coin are important to the establishment of a National Government, and particularly necessary in support of the right to declare war, as, indeed, may be considered the right to punish piracy and felonies on the high seas and offenses against the laws of nations. The right to establish an uniform rule of naturalization and uniform laws respecting bankruptcies seems to be essentially connected with the right to regulate commerce. The first branch of it relates to foreigners entering the country; the second to merchants who have failed. The right to promote the progress of useful arts and sciences may be executed without touching any of the individual States. It is accomplished by granting patents to inventors and preserving models, which may be done exclusively within the Federal district. The right to constitute courts inferior to the Supreme Court was a necessary consequence of the judiciary existing as a separate branch of the General Government. Without such inferior court in every State it would be difficult and might even be impossible to carry into effect the laws of the General Government. The right to establish post-offices and post-roads is essentially of the same character. For political, commercial, and social purposes it was important that it should be vested in the General Government. As a mere matter of regulation, and nothing more, I presume, was intended by it, it is a power easily executed and involving little authority within the States individually. The right to exercise exclusive legislation in all cases whatsoever over the Federal district and over forts, magazines, arsenals, dockyards, and other needful buildings with the consent of the State within which the same may be is a power of a peculiar character, and is sufficient in itself to confirm what has been said of all the other powers of the General Government. Of this particular grant further notice will hereafter be taken.

I shall conclude my remarks on this part of the subject by observing that the view which has been presented of the powers and character of the two Governments is supported by the marked difference which is observable in the manner of their endowment. The State governments are divided into three branches—a legislative, executive, and judiciary—and the appropriate duties of each assigned to it without any limitation of power except such as is necessary to guard against abuse, in the form of bills of right. But in instituting the National Government an entirely different principle

was adopted and pursued. The Government itself is organized, like the State governments, into three branches, but its powers are enumerated and defined in the most precise form. The subject has already been too fully explained to require illustration by a general view of the whole Constitution, every part of which affords proof of what is here advanced. It will be sufficient to advert to the eighth section of the first article, being that more particularly which defines the powers and fixes the character of the Government of the United States. By this section it is declared that Congress shall have power, first, to lay and collect taxes, duties, imposts, and excises, etc.

Having shown the origin of the State governments and their endowments when first formed; having also shown the origin of the National Government and the powers vested in it, and having shown, lastly, the powers which are admitted to have remained to the State governments after those which were taken from them by the National Government, I will now proceed to examine whether the power to adopt and execute a system of internal improvement by roads and canals has been vested in the United States.

Before we can determine whether this power has been granted to the General Government it will be necessary to ascertain distinctly the nature and extent of the power requisite to make such improvements. When that is done we shall be able to decide whether such power is vested in the National Government.

If the power existed it would, it is presumed, be executed by a board of skillful engineers, on a view of the whole Union, on a plan which would secure complete effect to all the great purposes of our Constitution. It is not my intention, however, to take up the subject here on this scale. I shall state a case for the purpose of illustration only. Let it be supposed that Congress intended to run a road from the city of Washington to Baltimore and to connect the Chesapeake Bay with the Delaware and the Delaware with the Raritan by a canal, what must be done to carry the project into effect? I make here no question of the existing power. I speak only of the power necessary for the purpose. Commissioners would be appointed to trace a route in the most direct line, paying due regard to heights, water courses, and other obstacles, and to acquire the right to the ground over which the road and canal would pass, with sufficient breadth for each. This must be done by voluntary grants, or by purchases from individuals, or, in case they would not sell or should ask an exorbitant price, by condemning the property and fixing its value by a jury of the vicinage. The next object to be attended to after the road and canal are laid out and made is to keep them in repair We know that there are people in every community capable of committing voluntary injuries, of pulling down walls that are made to sustain the road, of breaking the bridges over water courses, and breaking the road itself. Some living near it might be disappointed that it did not pass through their lands and commit these acts of violence and waste from revenge or in the hope of giving it that direction, though for a short time. Injuries of this kind have been committed and are still complained of on the road from Cumberland to the Ohio. To accomplish this object Congress should have a right to pass laws to punish offenders wherever they may be found. Jurisdiction over the road would not be sufficient, though it were exclusive. It would seldom happen that the parties would be detected in the act. They would generally commit it in the night and fly far off before the sun appeared. The power to punish these culprits must therefore reach them wherever they go. They must also be amenable to competent tribunals, Federal or State. The power must likewise extend to another object not less essential or important than those already mentioned. Experience has shown that the establishment of turnpikes, with gates and tolls and persons to collect the tolls, is the best expedient that can be adopted to defray the expense of these improvements and the repairs which they necessarily require. Congress must therefore have power to make such an establishment and to support it by such regulations, with fines and penalties in the case of injuries, as may be competent to the purpose. The right must extend to

all those objects, or it will be utterly incompetent. It is possessed and exercised by the States individually, and it must be possessed by the United States or the pretension must be abandoned.

Let it be further supposed that Congress, believing that they do possess the power, have passed an act for those purposes, under which commissioners have been appointed, who have begun the work. They are met at the first farm on which they enter by the owner, who forbids them to trespass on his land. They offer to buy it at a fair price or at twice or thrice its value. He persists in his refusal. Can they, on the principle recognized and acted on by all the State governments that in cases of this kind the obstinacy and perverseness of an individual must yield to the public welfare, summon a jury of upright and discreet men to condemn the land, value it, and compel the owner to receive the amount and to deliver it up to them? I believe that very few would concur in the opinion that such a power exists.

The next object is to preserve these improvements from injury. The locks of the canal are broken, the walls which sustained the road are pulled down, the bridges are broken, the road itself is plowed up, toll is refused to be paid, the gates of the canal or turnpike are forced. The offenders are pursued, caught, and brought to trial. Can they be punished? The question of right must be decided on principle. The culprits will avail themselves of every barrier that may serve to screen them from punishment. They will plead that the law under which they stand arraigned is unconstitutional, and that question must be decided by the court, whether Federal or State, on a fair investigation of the powers vested in the General Government by the Constitution. If the judges find that these powers have not been granted to Congress, the prisoners must be acquitted, and by their acquittal all claim to the right to establish such a system is at an end.

I have supposed an opposition to be made to the right in Congress by the owner of the land and other individuals charged with breaches of laws made to protect the works from injury, because it is the mildest form in which it can present itself. It is not, however, the only one. A State, also, may contest the right, and then the controversy assumes another character. Government might contend against government, for to a certain extent both the Governments are sovereign and independent of each other, and in that form it is possible, though not probable, that opposition might be made. To each limitations are prescribed, and should a contest rise between them respecting their rights and the people sustain it with anything like an equal division of numbers the worst consequences might ensue.

It may be urged that the opposition suggested by the owner of the land or by the States individually may be avoided by a satisfactory arrangement with the parties. But a suppression of opposition in that way is no proof of a right in Congress, nor could it, if confined to that limit, remove all the impediments to the exercise of the power. It is not sufficient that Congress may by the command and application of the public revenue purchase the soil, and thus silence that class of individuals, or by the accommodation afforded to individual States put down opposition on their part. Congress must be able rightfully to control all opposition or they can not carry the system into effect. Cases would inevitably occur to put the right to the test. The work must be preserved from injury, tolls must be collected, offenders must be punished. With these culprits no bargain can be made. When brought to trial they must deny the validity of the law, and that plea being sustained all claim to the right ceases.

If the United States possess this power, it must be either because it has been specifically granted or that it is incidental and necessary to carry into effect some specific grant. The advocates for the power derive it from the following sources: First, the right to establish post-offices and post-roads; second, to declare war; third, to regulate commerce among the several States; fourth, from the power to pay the debts and provide for the common defense and general welfare of the United States; fifth, from

the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof; sixth and lastly, from the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States. It is to be observed that there is but little accord among the advocates for this power as to the particular source from whence it is derived. They all agree, however, in ascribing it to some one or more of those above mentioned. I will examine the ground of the claim in each instance.

The first of these grants is in the following words: "Congress shall have power to establish post-offices and post-roads." What is the just import of these words and the extent of the grant? The word "establish" is the ruling term; "post-offices and post-roads" are the subjects on which it acts. The question therefore is, What power is granted by that word? The sense in which words are commonly used is that in which they are to be understood in all transactions between public bodies and individuals. The intention of the parties is to prevail, and there is no better way of ascertaining it than by giving to the terms used their ordinary import. If we were to ask any number of our most enlightened citizens, who had no connection with public affairs and whose minds were unprejudiced, what was the import of the word "establish" and the extent of the grant which it controls, we do not think there would be any difference of opinion among them. We are satisfied that all of them would answer that a power was thereby given to Congress to fix on the towns, court-houses, and other places throughout our Union at which there should be post-offices, the routes by which the mails should be carried from one post-office to another, so as to diffuse intelligence as extensively and to make the institution as useful as possible, to fix the postage to be paid on every letter and packet thus carried, to support the establishment, and to protect the post-office and mails from robbery by punishing those who should commit the offense. The idea of a right to lay off the roads of the United States on a general scale of improvement, to take the soil from the proprietor by force, to establish turnpikes and tolls, and to punish offenders in the manner stated above would never occur to any such person. The use of the existing road by the stage, mail carrier, or postboy in passing over it as others do is all that would be thought of, the jurisdiction and soil remaining to the State, with a right in the State or those authorized by its legislature to change the road at pleasure.

The intention of the parties is supported by other proof, which ought to place it beyond all doubt. In the former act of Government, the Confederation, we find a grant for the same purpose expressed in the following words: "The United States in Congress assembled shall have the sole and exclusive right and power of establishing and regulating post-offices from one State to another throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office." The term "establish" was likewise the ruling one in that instrument, and was evidently intended and understood to give a power simply and solely to fix where there should be post-offices. By transferring this term from the Confederation into the Constitution it was doubtless intended that it should be understood in the same sense in the latter that it was in the former instrument, and to be applied alike to post-offices and post-roads. In whatever sense it is applied to post-offices it must be applied in the same sense to post-roads. But it may be asked, If such was the intention, why were not all the other terms of the grant transferred with it? The reason is obvious. The Confederation being a bond of union between independent States, it was necessary in granting the powers which were to be exercised over them to be very explicit and minute in defining the powers granted. But the Constitution to the extent of its powers having incorporated the States into one Government like the government of the States individually, fewer words in defining the powers granted by it were not only adequate, but perhaps better adapted to the purpose. We find that brevity is a

characteristic of the instrument. Had it been intended to convey a more enlarged power in the Constitution than had been granted in the Confederation, surely the same controlling term would not have been used, or other words would have been added, to show such intention and to mark the extent to which the power should be carried. It is a liberal construction of the powers granted in the Constitution by this term to include in it all the powers that were granted in the Confederation by terms which specifically defined and, as was supposed, extended their limits. It would be absurd to say that by omitting from the Constitution any portion of the phraseology which was deemed important in the Confederation the import of that term was enlarged, and with it the powers of the Constitution, in a proportional degree, beyond what they were in the Confederation. The right to exact postage and to protect the post-offices and mails from robbery by punishing the offenders may fairly be considered as incidents to the grant, since without it the object of the grant might be defeated. Whatever is absolutely necessary to the accomplishment of the object of the grant, though not specified, may fairly be considered as included in it. Beyond this the doctrine of incidental power can not be carried.

If we go back to the origin of our settlements and institutions and trace their progress down to the Revolution, we shall see that it was in this sense, and in none other, that the power was exercised by all our colonial governments. Post-offices were made for the country, and not the country for them. They are the offspring of improvement; they never go before it. Settlements are first made, after which the progress is uniform and simple, extending to objects in regular order most necessary to the comfort of man—schools, places of public worship, court-houses, and markets; post-offices follow. Roads may, indeed, be said to be coeval with settlements; they lead to all the places mentioned, and to every other which the various and complicated interests of society require.

It is believed that not one example can be given, from the first settlement of our country to the adoption of this Constitution, of a post-office being established without a view to existing roads or of a single road having been made by pavement, turnpike, etc., for the sole purpose of accommodating a post-office. Such, too, is the uniform progress of all societies. In granting, then, this power to the United States it was undoubtedly intended by the framers and ratifiers of the Constitution to convey it in the sense and extent only in which it had been understood and exercised by the previous authorities of the country.

This conclusion is confirmed by the object of the grant and the manner of its execution. The object is the transportation of the mail throughout the United States, which may be done on horseback, and was so done until lately, since the establishment of stages. Between the great towns and in other places where the population is dense stages are preferred because they afford an additional opportunity to make a profit from passengers; but where the population is sparse and on crossroads it is generally carried on horseback. Unconnected with passengers and other objects, it can not be doubted that the mail itself may be carried in every part of our Union with nearly as much economy and greater dispatch on horseback than in a stage, and in many parts with much greater. In every part of the Union in which stages can be preferred the roads are sufficiently good provided those which serve for every other purpose will accommodate them. In every other part where horses alone are used if other people pass them on horseback surely the mail carrier can. For an object so simple and so easy in its execution it would doubtless excite surprise if it should be thought proper to appoint commissioners to lay off the country on a great scheme of improvement, with the power to shorten distances, reduce heights, level mountains, and pave surfaces.

If the United States possessed the power contended for under this grant, might they not in adopting the roads of the individual States for the carriage of the mail, as has been done, assume jurisdiction over them and preclude a right to interfere

with or alter them? Might they not establish turnpikes and exercise all the other acts of sovereignty above stated over such roads necessary to protect them from injury and defray the expense of repairing them? Surely if the right exists these consequences necessarily followed as soon as the road was established. The absurdity of such a pretension must be apparent to all who examine it. In this way a large portion of the territory of every State might be taken from it, for there is scarcely a road in any State which will not be used for the transportation of the mail. A new field for legislation and internal government would thus be opened.

From this view of the subject I think we may fairly conclude that the right to adopt and execute a system of internal improvement, or any part of it, has not been granted to Congress under the power to establish post-offices and post-roads; that the common roads of the country only were contemplated by that grant and are fully competent to all its purposes.

The next object of inquiry is whether the right to declare war includes the right to adopt and execute this system of improvement. The objections to it are, I presume, not less conclusive than those which are applicable to the grant which we have just examined.

Under the last-mentioned grant a claim has been set up to as much of that system as relates to roads. Under this it extends alike to roads and canals.

We must examine this grant by the same rules of construction that were applied to the preceding one. The object was to take this power from the individual States and to vest it in the General Government. This has been done in clear and explicit terms, first by granting the power to Congress, and secondly by prohibiting the exercise of it by the States. "Congress shall have a right to declare war." This is the language of the grant. If the right to adopt and execute this system of improvement is included in it, it must be by way of incident only, since there is nothing in the grant itself which bears any relation to roads and canals. The following considerations, it is presumed, prove incontestably that this power has not been granted in that or any other manner.

The United States are exposed to invasion through the whole extent of their Atlantic coast by any European power with whom we might be engaged in war—on the northern and northwestern frontier on the side of Canada by Great Britain, and on the southern by Spain or any power in alliance with her. If internal improvements are to be carried to the full extent to which they may be useful for military purposes, the power as it exists must apply to all the roads of the Union, there being no limitation to it. Wherever such improvements may facilitate the march of troops, the transportation of cannon, or otherwise aid the operations or mitigate the calamities of war along the coast or in any part of the interior they would be useful for military purposes, and might therefore be made. The power following as an incident to another power can be measured as to its extent by reference only to the obvious extent of the power to which it is incidental. So great a scope was, it is believed, never given to incidental power.

If it had been intended that the right to declare war should include all the powers necessary to maintain war, it would follow that nothing would have been done to impair the right or to restrain Congress from the exercise of any power which the exigencies of war might require. The nature and extent of this exigency would mark the extent of the power granted, which should always be construed liberally, so as to be adequate to the end. A right to raise money by taxes, duties, excises, and by loan, to raise and support armies and a navy, to provide for calling forth, arming, disciplining, and governing the militia when in the service of the United States, establishing fortifications and governing the troops stationed in them independently of the State authorities, and to perform many other acts is indispensable to the maintenance of war—no war with any great power can be prosecuted with success without the command of the resources of the Union in all these respects. These powers,

then, would of necessity and by common consent have fallen within the right to declare war had it been intended to convey by way of incident to that right the necessary powers to maintain war. But these powers have all been granted specifically with many others, in great detail, which experience had shown were necessary for the purposes of war. By specifically granting, then, these powers it is manifest that every power was thus granted which it was intended to grant for military purposes, and that it was also intended that no important power should be included in this grant by way of incident, however useful it might be for some of the purposes of the grant.

By the sixteenth of the enumerated powers, Article I, section 8, Congress are authorized to exercise exclusive legislation in all cases whatever over such district as may by cession of particular States and the acceptance of Congress, not exceeding 10 miles square, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other useful buildings. If any doubt existed on a view of other parts of the Constitution respecting the decision which ought to be formed on the question under consideration, I should suppose that this clause would completely remove it. It has been shown after the most liberal construction of all the enumerated powers of the General Government that the territory within the limits of the respective States belonged to them; that the United States had no right under the powers granted to them, with the exception specified in this grant, to any the smallest portion of territory within a State, all those powers operating on a different principle and having their full effect without impairing in the slightest degree this right in the States; that those powers were in every instance means to ends, which being accomplished left the subject—that is, the property, in which light only land could be regarded—where it was before, under the jurisdiction and subject to the laws of the State governments.

The second number of the clause, which is applicable to military and naval purposes alone, claims particular attention here. It fully confirms the view taken of the other enumerated powers, for had it been intended to include in the right to declare war, by way of incident, any right of jurisdiction or legislation over territory within a State, it would have been done as to fortifications, magazines, arsenals, dockyards, and other needful buildings. By specifically granting the right as to such small portions of territory as might be necessary for these purposes and on certain conditions, minutely and well defined, it is manifest that it was not intended to grant it as to any other portion on any condition for any purpose or in any manner whatsoever.

It may be said that although the authority to exercise exclusive legislation in certain cases within the States with their consent may be considered as a prohibition to Congress to exercise like exclusive legislation in any other case, although their consent should be granted, it does not prohibit the exercise of such jurisdiction or power within a State as would be competent to all the purposes of internal improvement. I can conceive no ground on which the idea of such a power over any part of the territory of a State can be inferred from the power to declare war. There never can be an occasion for jurisdiction for military purposes except in fortifications, dockyards, and the like places. If the soldiers are in the field or are quartered in garrisons without the fortifications, the civil authority must prevail where they are. The government of the troops by martial law is not affected by it. In war, when the forces are increased and the movement is on a greater scale, consequences follow which are inseparable from the exigencies of the state. More freedom of action and a wider range of power in the military commanders, to be exercised on their own responsibility, may be necessary to the public safety; but even here the civil authority of the State never ceases to operate. It is also exclusive for all civil purposes.

Whether any power short of that stated would be adequate to the purposes of internal improvement is denied. In the case of territory, one government must prevail for all the purposes intended by the grant. The jurisdiction of the United States might be modified in such manner as to admit that of the State in all cases and for all purposes not necessary to the execution of the proposed power; but the right of the General Government must be complete for all the purposes above stated. It must extend to the seizure and condemnation of the property, if necessary; to the punishment of offenders for injuries to the roads and canals; to the establishment and enforcement of tolls, etc. It must be a complete right to the extent above stated or it will be of no avail. That right does not exist.

The reasons which operate in favor of the right of exclusive legislation in forts, dockyards, etc., do not apply to any other places. The safety of such works and of the cities which they are intended to defend, and even of whole communities, may sometimes depend on it. If spies are admitted within them in time of war, they might communicate intelligence to the enemy which might be fatal. All nations surround such works with high walls and keep their gates shut. Even here, however, three important conditions are indispensable to such exclusive legislation: First, the ground must be requisite for and be applied to those purposes; second, it must be purchased; third, it must be purchased by the consent of the State in which it may be. When we find that so much care has been taken to protect the sovereignty of the States over the territory within their respective limits, admitting that of the United States over such small portions and for such special and important purposes only, the conclusion is irresistible not only that the power necessary for internal improvements has not been granted, but that it has been clearly prohibited.

I come next to the right to regulate commerce, the third source from whence the right to make internal improvements is claimed. It is expressed in the following words: "Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes." The reasoning applicable to the preceding claims is equally so to this. The mischief complained of was that this power could not be exercised with advantage by the individual States, and the object was to transfer it to the United States. The sense in which the power was understood and exercised by the States was doubtless that in which it was transferred to the United States. The policy was the same as to three branches of this grant, and it is scarcely possible to separate the two first from each other in any view which may be taken of the subject. The last, relating to the Indian tribes, is of a nature distinct from the others for reasons too well known to require explanation. Commerce between independent powers or communities is universally regulated by duties and imposts. It was so regulated by the States before the adoption of this Constitution equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations and to prevent any on the trade between the States was the only power granted.

If we recur to the causes which produced the adoption of this Constitution, we shall find that injuries resulting from the regulation of trade by the States respectively and the advantages anticipated from the transfer of the power to Congress were among those which had the most weight. Instead of acting as a nation in regard to foreign powers, the States individually had commenced a system of restraint on each other whereby the interests of foreign powers were promoted at their expense. If one State imposed high duties on the goods or vessels of a foreign power to countervail the regulations of such power, the next adjoining States imposed lighter duties to invite those articles into their ports, that they might be transferred thence into the other States, securing the duties to themselves. This contracted policy in some of the States was soon counteracted by others. Restraints were immediately laid on such commerce by the suffering States, and thus had grown up a state of affairs

disorderly and unnatural, the tendency of which was to destroy the Union itself and with it all hope of realizing those blessings which we had anticipated from the glorious Revolution which had been so recently achieved. From this deplorable dilemma, or, rather, certain ruin, we were happily rescued by the adoption of the Constitution.

Among the first and most important effects of this great Revolution was the complete abolition of this pernicious policy. The States were brought together by the Constitution as to commerce into one community equally in regard to foreign nations and each other. The regulations that were adopted regarded us in both respects as one people. The duties and imposts that were laid on the vessels and merchandise of foreign nations were all uniform throughout the United States, and in the intercourse between the States themselves no duties of any kind were imposed other than between different ports and counties within the same State.

This view is supported by a series of measures, all of a marked character, preceding the adoption of the Constitution. As early as the year 1781 Congress recommended it to the States to vest in the United States a power to levy a duty of 5 per cent on all goods imported from foreign countries into the United States for the term of fifteen years. In 1783 this recommendation, with alterations as to the kind of duties and an extension of this term to twenty-five years, was repeated and more earnestly urged. In 1784 it was recommended to the States to authorize Congress to prohibit, under certain modifications, the importation of goods from foreign powers into the United States for fifteen years. In 1785 the consideration of the subject was resumed, and a proposition presented in a new form, with an address to the States, explaining fully the principles on which a grant of the power to regulate trade was deemed indispensable. In 1786 a meeting took place at Annapolis of delegates from several of the States on this subject, and on their report a convention was formed at Philadelphia the ensuing year from all the States, to whose deliberations we are indebted for the present Constitution.

In none of these measures was the subject of internal improvement mentioned or even glanced at. Those of 1784, 1785, 1786, and 1787, leading step by step to the adoption of the Constitution, had in view only the obtaining of a power to enable Congress to regulate trade with foreign powers. It is manifest that the regulation of trade with the several States was altogether a secondary object, suggested by and adopted in connection with the other. If the power necessary to this system of improvement is included under either branch of this grant, I should suppose that it was the first rather than the second. The pretension to it, however, under that branch has never been set up. In support of the claim under the second no reason has been assigned which appears to have the least weight.

The fourth claim is founded on the right of Congress to "pay the debts and provide for the common defense and general welfare" of the United States. This claim has less reason on its side than either of those which we have already examined. The power of which this forms a part is expressed in the following words: "Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

That the second part of this grant gives a right to appropriate the public money, and nothing more, is evident from the following considerations: First. If the right of appropriation is not given by this clause, it is not given at all, there being no other grant in the Constitution which gives it directly or which has any bearing on the subject, even by implication, except the two following: First, the prohibition, which is contained in the eleventh of the enumerated powers, not to appropriate money for the support of armies for a longer term than two years; and, second, the declaration of the sixth member or clause of the ninth section of the first article that no money shall be drawn from the Treasury but in consequence of appropriations made

by law. Second. This part of the grant has none of the characteristics of a distinct and original power. It is manifestly incidental to the great objects of the first part of the grant, which authorizes Congress to lay and collect taxes, duties, imposts, and excises, a power of vast extent, not granted by the Confederation, the grant of which formed one of the principal inducements to the adoption of this Constitution. If both parts of the grant are taken together (as they must be, for the one follows immediately after the other in the same sentence), it seems to be impossible to give to the latter any other construction than that contended for.' Congress shall have power to lay and collect taxes, duties, imposts, and excises. For what purpose? To pay the debts and provide for the common defense and general welfare of the United States, an arrangement and phraseology which clearly show that the latter part of the clause was intended to enumerate the purposes to which the money thus raised might be appropriated. Third. If this is not the real object and fair construction of the second part of this grant, it follows either that it has no import or operation whatever or one of much greater extent than the first part. This presumption is evidently groundless in both instances. In the first because no part of the Constitution can be considered useless; no sentence or clause in it without a meaning. In the second because such a construction as made the second part of the clause an original grant, embracing the same object with the first, but with much greater power than it, would be in the highest degree absurd. The order generally observed in grants, an order founded in common sense, since it promotes a clear understanding of their import, is to grant the power intended to be conveyed in the most full and explicit manner, and then to explain or qualify it, if explanation or qualification should be necessary. This order has, it is believed, been invariably observed in all the grants contained in the Constitution. In the second because if the clause in question is not construed merely as an authority to appropriate the public money, it must be obvious that it conveys a power of indefinite and unlimited extent; that there would have been no use for the special powers to raise and support armies and a navy, to regulate commerce, to call forth the militia, or even to lay and collect taxes, duties, imposts, and excises. An unqualified power to pay the debts and provide for the common defense and general welfare, as the second part of this clause would be if considered as a distinct and separate grant, would extend to every object in which the public could be interested. A power to provide for the common defense would give to Congress the command of the whole force and of all the resources of the Union; but a right to provide for the general welfare would go much further. It would, in effect, break down all the barriers between the States and the General Government and consolidate the whole under the latter.

The powers specifically granted to Congress are what are called the enumerated powers, and are numbered in the order in which they stand, among which that contained in the first clause holds the first place in point of importance. If the power created by the latter part of the clause is considered an original grant, unconnected with and independent of the first, as in that case it must be, then the first part is entirely done away, as are all the other grants in the Constitution, being completely absorbed in the transcendent power granted in the latter part; but if the clause be construed in the sense contended for, then every part has an important meaning and effect; not a line, a word, in it is superfluous. A power to lay and collect taxes, duties, imposts, and excises subjects to the call of Congress every branch of the public revenue, internal and external, and the addition to pay the debts and provide for the common defense and general welfare gives the right of applying the money raised—that is, of appropriating it to the purposes specified according to a proper construction of the terms. Hence it follows that it is the first part of the clause only which gives a power which affects in any manner the power remaining to the States, as the power to raise money from the people, whether it be by taxes, duties, imposts, or excises, though concurrent in the States as to taxes and excises must necessarily

do. But the use or application of the money after it is raised is a power altogether of a different character. It imposes no burden on the people, nor can it act on them in a sense to take power from the States or in any sense in which power can be controverted, or become a question between the two Governments. The application of money raised under a lawful power is a right or grant which may be abused. It may be applied partially among the States, or to improper purposes in our foreign and domestic concerns; but still it is a power not felt in the sense of other power, since the only complaint which any State can make of such partiality and abuse is that some other State or States have obtained greater benefit from the application than by a just rule of apportionment they were entitled to. The right of appropriation is therefore from its nature secondary and incidental to the right of raising money, and it was proper to place it in the same grant and same clause with that right. By finding them, then, in that order we see a new proof of the sense in which the grant was made, corresponding with the view herein taken of it.

The last part of this grant, which provides that all duties, imposts, and excises shall be uniform throughout the United States, furnishes another strong proof that it was not intended that the second part should constitute a distinct grant in the sense above stated, or convey any other right than that of appropriation. This provision operates exclusively on the power granted in the first part of the clause. It recites three branches of that power—duties, imposts, and excises—those only on which it could operate, the rule by which the fourth—that is, taxes—should be laid being already provided for in another part of the Constitution. The object of this provision is to secure a just equality among the States in the exercise of that power by Congress. By placing it after both the grants—that is, after that to raise and that to appropriate the public money—and making it apply to the first only it shows that it was not intended that the power granted in the second should be paramount to and destroy that granted in the first. It shows also that no such formidable power as that suggested had been granted in the second, or any power against the abuse of which it was thought necessary specially to provide. Surely if it was deemed proper to guard a specific power of limited extent and well-known import against injustice and abuse, it would have been much more so to have guarded against the abuse of a power of such vast extent and so indefinite as would have been granted by the second part of the clause if considered as a distinct and original grant.

With this construction all the other enumerated grants, and, indeed, all the grants of power contained in the Constitution, have their full operation and effect. They all stand well together, fulfilling the great purposes intended by them. Under it we behold a great scheme, consistent in all its parts, a Government instituted for national purposes, vested with adequate powers for those purposes, commencing with the most important of all, that of the revenue, and proceeding in regular order to the others with which it was deemed proper to endow it, all, too, drawn with the utmost circumspection and care. How much more consistent is this construction with the great objects of the institution and with the high character of the enlightened and patriotic citizens who framed it, as well as of those who ratified it, than one which subverts every sound principle and rule of construction and throws everything into confusion.

I have dwelt thus long on this part of the subject from an earnest desire to fix in a clear and satisfactory manner the import of the second part of this grant, well knowing from the generality of the terms used their tendency to lead into error. I indulge a strong hope that the view herein presented will not be without effect, but will tend to satisfy the unprejudiced and impartial that nothing more was granted by that part than a power to *appropriate* the public money raised under the other part. To what extent that power may be carried will be the next object of inquiry.

It is contended on the one side that as the National Government is a government of limited powers it has no right to expend money except in the performance of acts

authorized by the other specific grants according to a strict construction of their powers; that this grant in neither of its branches gives to Congress discretionary power of any kind, but is a mere instrument in its hands to carry into effect the powers contained in the other grants. To this construction I was inclined in the more early stage of our Government; but on further reflection and observation my mind has undergone a change, for reasons which I will frankly unfold.

The grant consists, as heretofore observed, of a twofold power—the first to raise, the second to appropriate, the public money—and the terms used in both instances are general and unqualified. Each branch was obviously drawn with a view to the other, and the import of each tends to illustrate that of the other. The grant to raise money gives a power over every subject from which revenue may be drawn, and is made in the same manner with the grants to declare war, to raise and support armies and a navy, to regulate commerce, to establish post-offices and post-roads, and with all the other specific grants to the General Government. In the discharge of the powers contained in any of these grants there is no other check than that which is to be found in the great principles of our system, the responsibility of the representative to his constituents. If war, for example, is necessary, and Congress declare it for good cause, their constituents will support them in it. A like support will be given them for the faithful discharge of their duties under any and every other power vested in the United States. It affords to the friends of our free governments the most heartfelt consolation to know—and from the best evidence, our own experience—that in great emergencies the boldest measures, such as form the strongest appeals to the virtue and patriotism of the people, are sure to obtain the most decided approbation. But should the representative act corruptly and betray his trust, or otherwise prove that he was unworthy of the confidence of his constituents, he would be equally sure to lose it and to be removed and otherwise censured, according to his deserts. The power to raise money by taxes, duties, imposts, and excises is alike unqualified, nor do I see any check on the exercise of it other than that which applies to the other powers above recited, the responsibility of the representative to his constituents. Congress know the extent of the public engagements and the sums necessary to meet them; they know how much may be derived from each branch of revenue without pressing it too far; and, paying due regard to the interests of the people, they likewise know which branch ought to be resorted to in the first instance. From the commencement of the Government two branches of this power, duties and imposts, have been in constant operation, the revenue from which has supported the Government in its various branches and met its other ordinary engagements. In great emergencies the other two, taxes and excises, have likewise been resorted to, and neither was the right or the policy ever called in question.

If we look to the second branch of this power, that which authorizes the appropriation of the money thus raised, we find that it is not less general and unqualified than the power to raise it. More comprehensive terms than to "pay the debts and provide for the common defense and general welfare" could not have been used. So intimately connected with and dependent on each other are these two branches of power that had either been limited the limitation would have had the like effect on the other. Had the power to raise money been conditional or restricted to special purposes, the appropriation must have corresponded with it, for none but the money raised could be appropriated, nor could it be appropriated to other purposes than those which were permitted. On the other hand, if the right of appropriation had been restricted to certain purposes, it would be useless and improper to raise more than would be adequate to those purposes. It may fairly be inferred these restraints or checks have been carefully and intentionally avoided. The power in each branch is alike broad and unqualified, and each is drawn with peculiar fitness to the other, the latter requiring terms of great extent and force to accommodate the former, which have been adopted, and both placed in the same clause and sentence.

Can it be presumed that all these circumstances were so nicely adjusted by mere accident? Is it not more just to conclude that they were the result of due deliberation and design? Had it been intended that Congress should be restricted in the appropriation of the public money to such expenditures as were authorized by a rigid construction of the other specific grants, how easy would it have been to have provided for it by a declaration to that effect. The omission of such declaration is therefore an additional proof that it was not intended that the grant should be so construed.

It was evidently impossible to have subjected this grant in either branch to such restriction without exposing the Government to very serious embarrassment. How carry it into effect? If the grant had been made in any degree dependent upon the States, the Government would have experienced the fate of the Confederation. Like it, it would have withered and soon perished. Had the Supreme Court been authorized, or should any other tribunal distinct from the Government be authorized, to impose its veto, and to say that more money had been raised under either branch of this power—that is, by taxes, duties, imposts, or excises—than was necessary, that such a tax or duty was useless, that the appropriation to this or that purpose was unconstitutional, the movement might have been suspended and the whole system disorganized. It was impossible to have created a power within the Government or any other power distinct from Congress and the Executive which should control the movement of the Government in this respect and not destroy it. Had it been declared by a clause in the Constitution that the expenditures under this grant should be restricted to the construction which might be given of the other grants, such restraint, though the most innocent, could not have failed to have had an injurious effect on the vital principles of the Government and often on its most important measures. Those who might wish to defeat a measure proposed might construe the power relied on in support of it in a narrow and contracted manner, and in that way fix a precedent inconsistent with the true import of the grant. At other times those who favored a measure might give to the power relied on a forced or strained construction, and, succeeding in the object, fix a precedent in the opposite extreme. Thus it is manifest that if the right of appropriation be confined to that limit, measures may oftentimes be carried or defeated by considerations and motives altogether independent of and unconnected with their merits, and the several powers of Congress receive constructions equally inconsistent with their true import. No such declaration, however, has been made, and from the fair import of the grant, and, indeed, its positive terms, the inference that such was intended seems to be precluded.

Many considerations of great weight operate in favor of this construction, while I do not perceive any serious objections to it. If it be established, it follows that the words "to provide for the common defense and general welfare" have a definite, safe, and useful meaning: The idea of their forming an original grant, with unlimited power, superseding every other grant, is abandoned. They will be considered simply as conveying a right of appropriation, a right indispensable to that of raising a revenue and necessary to expenditures under every grant. By it, as already observed, no new power will be taken from the States, the money to be appropriated being raised under a power already granted to Congress. By it, too, the motive for giving a forced or strained construction to any of the other specific grants will in most instances be diminished and in many utterly destroyed. The importance of this consideration can not be too highly estimated, since, in addition to the examples already given, it ought particularly to be recollected that to whatever extent any specified power may be carried the right of jurisdiction goes with it, pursuing it through all its incidents. The very important agency which this grant has in carrying into effect every other grant is a wrong argument in favor of the construction contended for. All the other grants are limited by the nature of the offices which they have severally to perform, each conveying a power to do a certain thing, and that only, whereas

this is coextensive with the great scheme of the Government itself. It is the lever which raises and puts the whole machinery in motion and continues the movement. Should either of the other grants fail in consequence of any condition or limitation attached to it or misconstruction of its powers, much injury might follow, but still it would be the failure of one branch of power, of one item in the system only. All the others might move on. But should the right to raise and appropriate the public money be improperly restricted, the whole system might be sensibly affected, if not disorganized. Each of the other grants is limited by the nature of the grant itself; this, by the nature of the Government only. Hence it became necessary that, like the power to declare war, this power should be commensurate with the great scheme of the Government and with all its purposes.

If, then, the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants according to a strict construction of their powers, respectively, is there no limitation to it? Have Congress a right to raise and appropriate the money to any and to every purpose according to their will and pleasure? They certainly have not. The Government of the United States is a limited Government, instituted for great national purposes, and for those only. Other interests are committed to the States, whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted and confine itself to those purposes. A State government will rarely if ever apply money to national purposes without making it a charge to the nation. The people of the State would not permit it. Nor will Congress be apt to apply money in aid of the State administrations for purposes strictly local in which the nation at large has no interest, although the State should desire it. The people of the other States would condemn it. They would declare that Congress had no right to tax them for such a purpose, and dismiss at the next election such of their representatives as had voted for the measure, especially if it should be severely felt. I do not think that in offices of this kind there is much danger of the two Governments mistaking their interests or their duties. I rather expect that they would soon have a clear and distinct understanding of them and move on in great harmony.

Good roads and canals will promote many very important national purposes. They will facilitate the operations of war, the movements of troops, the transportation of cannon, of provisions, and every warlike store, much to our advantage and to the disadvantage of the enemy in time of war. Good roads will facilitate the transportation of the mail, and thereby promote the purposes of commerce and political intelligence among the people. They will by being properly directed to these objects enhance the value of our vacant lands, a treasure of vast resource to the nation. To the appropriation of the public money to improvements having these objects in view and carried to a certain extent I do not see any well-founded constitutional objection.

In regard to our foreign concerns, provided they are managed with integrity and ability, great liberality is allowable in the application of the public money. In the management of these concerns no State interests can be affected, no State rights violated. The complete and exclusive control over them is vested in Congress. The power to form treaties of alliance and commerce with foreign powers, to regulate by law our commerce with them, to determine on peace or war, to raise armies and a navy, to call forth the militia and direct their operations belongs to the General Government. These great powers, embracing the whole scope of our foreign relations, being granted, on what principle can it be said that the minor are withheld? Are not the latter clearly and evidently comprised in the former? Nations are sometimes called upon to perform to each other acts of humanity and kindness, of which we see so many illustrious examples between individuals in private life. Great calamities make appeals to the benevolence of mankind which ought not to be resisted. Good offices in such emergencies exalt the character of the party rendering

them. By exciting grateful feelings they soften the intercourse between nations and tend to prevent war. Surely if the United States have a right to make war they have a right to prevent it. How was it possible to grant to Congress a power for such minor purposes other than in general terms, comprising it within the scope and policy of that which conveyed it for the greater?

The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress could do under it in the case of internal improvements would be to appropriate the money necessary to make them. For every act requiring legislative sanction or support the State authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished must be done by the State. To these purposes the powers of the General Government are believed to be utterly incompetent.

To the objection that the United States have no power in any instance which is not complete to all the purposes to which it may be made instrumental, and in consequence that they have no right to appropriate any portion of the public money to internal improvements because they have not the right of sovereignty and jurisdiction over them when made, a full answer has, it is presumed, been already given. It may, however, be proper to add that if this objection was well founded it would not be confined to the simple case of internal improvements, but would apply to others of high importance. Congress have a right to regulate commerce. To give effect to this power it becomes necessary to establish custom-houses in every State along the coast and in many parts of the interior. The vast amount of goods imported and the duties to be performed to accommodate the merchants and secure the revenue make it necessary that spacious buildings should be erected, especially in the great towns, for their reception. This, it is manifest, could best be performed under the direction of the General Government. Have Congress the right to seize the property of individuals if they should refuse to sell it, in quarters best adapted to the purpose, to have it valued, and to take it at the valuation? Have they a right to exercise jurisdiction within those buildings? Neither of these claims has ever been set up, nor could it, as is presumed, be sustained. They have invariably either rented houses where such as were suitable could be obtained, or, where they could not, purchased the ground of individuals, erected the buildings, and held them under the laws of the State. Under the power to establish post-offices and post-roads houses are also requisite for the reception of the mails and the transaction of the business of the several offices. These have always been rented or purchased and held under the laws of the State in the same manner as if they had been taken by a citizen. The United States have a right to establish tribunals inferior to the Supreme Court, and such have been established in every State of the Union. It is believed that the houses for these inferior courts have invariably been rented. No right of jurisdiction in them has ever been claimed, nor other right than that of privilege, and that only while the court is in session. A still stronger case may be urged. Should Congress be compelled by invasion or other cause to remove the Government to some town within one of the States, would they have a right of jurisdiction over such town, or hold even the house in which they held their session under other authority than the laws of such State? It is believed that they would not. If they have a right to appropriate money for any of these purposes, to be laid out under the protection of the laws of the State, surely they have an equal right to do it for the purposes of internal improvements.

It is believed that there is not a corporation in the Union which does not exercise great discretion in the application of the money raised by it to the purposes of its institution. It would be strange if the Government of the United States, which was instituted for such important purposes and endowed with such extensive powers,

should not be allowed at least equal discretion and authority. The evil to be particularly avoided is the violation of State rights. Shunning that, it seems to be reasonable and proper that the powers of Congress should be so construed as that the General Government in its intercourse with other nations and in our internal concerns should be able to adopt all such measures lying within the fair scope and intended to facilitate the direct objects of its powers as the public welfare may require and a sound and provident policy dictate.

The measures of Congress have been in strict accord with the view taken of the right of appropriation both as to its extent and limitation, as will be shown by a reference to the laws, commencing at a very early period. Many roads have been opened, of which the following are the principal: The first from Cumberland, at the head waters of the Potomac, in the State of Maryland, through Pennsylvania and Virginia, to the State of Ohio (March 29, 1806; see vol. 4, p. 13, of the late edition of the laws). The second from the frontiers of Georgia, on the route from Athens to New Orleans, to its intersection with the thirty-first degree of north latitude (April 31, 1806, p. 58). The third from the Mississippi at a point and by a route described to the Ohio (same act). The fourth from Nashville, in Tennessee, to Natchez (same act). The fifth from the thirty-first degree of north latitude, on the route from Athens to New Orleans, under such regulations as might be agreed on between the Executive and the Spanish Government (March 3, 1807, p. 117). The sixth from the foot of the rapids of the river Miami, of Lake Erie, to the western line of the Connecticut Reserve (December 12, 1811, p. 364). The seventh from the Lower Sandusky to the boundary line established by the treaty of Greenville (same act). The eighth from a point where the United States road leading from Vincennes to the Indian boundary line, established by the treaty of Greenville, strikes the said line, to the North Bend, in the State of Ohio (January 8, 1812, p. 367). The ninth for repairing and keeping in repair the road between Columbia, on Duck River, in Tennessee, and Madisonville, in Louisiana, and also the road between Fort Hawkins, in Georgia, and Fort Stoddard (April 27, 1816, p. 104 of the acts of that year). The tenth from the Shawneetown, on the Ohio River, to the Sabine, and to Kaskaskias, in Illinois (April 27, 1816, p. 112). The eleventh from Reynoldsburg, on Tennessee River, in the State of Tennessee, through the Chickasaw Nation, to intersect the Natchez road near the Chickasaw old town (March 3, 1817, p. 252). The twelfth: By this act authority was given to the President to appoint three commissioners for the purpose of examining the country and laying out a road from the termination of the Cumberland road, at Wheeling, on the Ohio, through the States of Ohio, Indiana, and Illinois, to a point to be chosen by them, on the left bank of the Mississippi, between St. Louis and the mouth of the Illinois River, and to report an accurate plan of the said road, with an estimate of the expense of making it. It is, however, declared by the act that nothing was thereby intended to imply an obligation on the part of the United States to make or defray the expense of making the said road or any part thereof.

In the late war two other roads were made by the troops for military purposes—one from the Upper Sandusky, in the State of Ohio, through the Black Swamp, toward Detroit, and another from Plattsburg, on Lake Champlain, through the Chatauga woods toward Sacketts Harbor, which have since been repaired and improved by the troops. Of these latter there is no notice in the laws. The extra pay to the soldiers for repairing and improving those roads was advanced in the first instance from the appropriation to the Quartermaster's Department and afterwards provided for by a specific appropriation by Congress. The necessity of keeping those roads open and in good repair, being on the frontier, to facilitate a communication between our posts, is apparent.

All of these roads except the first were formed merely by cutting down the trees and throwing logs across, so as to make causeways over such parts as were otherwise impassable. The execution was of the coarsest kind. The Cumberland road is the

only regular work which has been undertaken by the General Government or which could give rise to any question between the two Governments respecting its powers. It is a great work, over the highest mountains in our Union, connecting from the seat of the General Government the Eastern with the Western waters, and more intimately the Atlantic with the Western States, in the formation of which $1,800,000 have been expended. The measures pursued in this case require to be particularly noticed as fixing the opinion of the parties, and particularly of Congress, on the important question of the right. Passing through Maryland, Pennsylvania, and Virginia, it was thought necessary and proper to bring the subject before their respective legislatures to obtain their sanction, which was granted by each State by a legislative act, approving the route and providing for the purchase and condemnation of the land. This road was founded on an article of compact between the United States and the State of Ohio, under which that State came into the Union, and by which the expense attending it was to be defrayed by the application of a certain portion of the money arising from the sale of the public lands within that State. In this instance, which is by far the strongest in respect to the expense, extent, and nature of the work done, the United States have exercised no act of jurisdiction or sovereignty within either of the States by taking the land from the proprietors by force, by passing acts for the protection of the road, or to raise a revenue from it by the establishment of turnpikes and tolls, or any other act founded on the principle of jurisdiction or right. Whatever they have done has, on the contrary, been founded on the opposite principle, on the voluntary and unqualified admission that the sovereignty belonged to the State and not to the United States, and that they could perform no act which should tend to weaken the power of the State or to assume any to themselves. All that they have done has been to appropriate the public money to the construction of this road and to cause it to be constructed, for I presume that no distinction can be taken between the appropriation of money raised by the sale of the public lands and of that which arises from taxes, duties, imposts, and excises; nor can I believe that the power to appropriate derives any sanction from a provision to that effect having been made by an article of compact between the United States and the people of the then Territory of Ohio. This point may, however, be placed in a clearer light by a more particular notice of the article itself.

By an act of April 30, 1802, entitled "An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes," after describing the limits of the proposed new State and authorizing the people thereof to elect a convention to form a constitution, the three following propositions were made to the convention, to be obligatory on the United States if accepted by it: First, that section No. 16 of every township, or, where such section had been sold, other lands equivalent thereto, should be granted to the inhabitants of such township for the use of free schools. Second, that the 6 miles' reservation, including the salt springs commonly called the Sciota Salt Springs, the salt springs near the Muskingum River and in the military tract, with the sections which include the same, should be granted to the said State for the use of the people thereof, under such regulations as the legislature of the State should prescribe: *Provided*, That it should never sell or lease the same for more than ten years. Third, that one-twentieth part of the proceeds of the public lands lying within the said State which might be sold by Congress from and after the 30th June ensuing should be applied to the laying out and making public roads from the navigable waters emptying into the Atlantic, to the Ohio, and through the State of Ohio, such roads to be laid out under the authority of Congress, with the consent of the several States through which they should pass.

These three propositions were made on the condition that the convention of the State should provide by an ordinance, irrevocable without the consent of the United

States, that every tract of land sold by Congress after the 30th of June ensuing should remain for the term of five years after sale exempt from every species of tax whatsoever.

It is impossible to read the ordinance of the 23d of April, 1784, or the provisions of the act of April 30, 1802, which are founded on it, without being profoundly impressed with the enlightened and magnanimous policy which dictated them. Anticipating that the new States would be settled by the inhabitants of the original States and their offspring, no narrow or contracted jealousy was entertained of their admission into the Union in equal participation in the national sovereignty with the original States. It was foreseen at the early period at which that ordinance passed that the expansion of our Union to the Lakes and to the Mississippi and all its waters would not only make us a greater power, but cement the Union itself. These three propositions were well calculated to promote these great results. A grant of land to each township for free schools, and of the salt springs to the State, which were within its limits, for the use of its citizens, with 5 per cent of the money to be raised from the sale of lands within the State for the construction of roads between the original States and the new State, and of other roads within the State, indicated a spirit not to be mistaken, nor could it fail to produce a corresponding effect in the bosoms of those to whom it was addressed. For these considerations the sole return required of the convention was that the new State should not tax the public lands which might be sold by the United States within it for the term of five years after they should be sold. As the value of these lands would be enhanced by this exemption from taxes for that term, and from which the new State would derive its proportionable benefit, and as it would also promote the rapid sale of those lands, and with it the augmentation of its own population, it can not be doubted, had this exemption been suggested unaccompanied by any propositions of particular advantage, that the convention would, in consideration of the relation which had before existed between the parties, and was about to be so much improved, most willingly have acceded to it and without regarding it as an onerous condition.

Since, then, it appears that the whole of the money to be employed in making this road was to be raised from the sale of the public lands, and which would still belong to the United States, although no mention had been made of them in the compact, it follows that the application of the money to that purpose stands upon the same ground as if such compact had not been made, and in consequence that the example in favor of the right of appropriation is in no manner affected by it.

The same rule of construction of the right of appropriation has been observed and the same liberal policy pursued toward the other new States, with certain modifications adapted to the situation of each, which were adopted with the State of Ohio. As, however, the reasoning which is applicable to the compact with Ohio in relation to the right of appropriation, in which light only I have adverted to it, is equally applicable to the several compacts with the other new States, I deem it unnecessary to take a particular notice of them.

It is proper to observe that the money which was employed in the construction of all the other roads was taken directly from the Treasury. This fact affords an additional proof that in the contemplation of Congress no difference existed in the application of money to those roads between that which was raised by the sale of lands and that which was derived from taxes, duties, imposts, and excises.

So far I have confined my remarks to the acts of Congress respecting the right of appropriation to such measures only as operate internally and affect the territory of the individual States. In adverting to those which operate externally and relate to foreign powers I find only two which appear to merit particular attention. These were gratuitous grants of money for the relief of foreigners in distress—the first in 1794 to the inhabitants of St. Domingo, who sought an asylum on our coast from the convulsions and calamities of the island; the second in 1812 to the people of

Caracas, reduced to misery by an earthquake. The considerations which were applicable to these grants have already been noticed and need not be repeated.

In this examination of the right of appropriation I thought it proper to present to view also the practice of the Government under it, and to explore the ground on which each example rested, that the precise nature and extent of the construction thereby given of the right might be clearly understood. The right to raise money would have given, as is presumed, the right to use it, although nothing had been said to that effect in the Constitution; and where the right to raise it is granted without special limitation, we must look for such limitation to other causes. Our attention is first drawn to the right to appropriate, and not finding it there we must then look to the general powers of the Government as designated by the specific grants and to the purposes contemplated by them, allowing to this (the right to raise money), the first and most important of the enumerated powers, a scope which will be competent to those purposes. The practice of the Government, as illustrated by numerous and strong examples directly applicable, ought surely to have great weight in fixing the construction of each grant. It ought, I presume, to settle it, especially where it is acquiesced in by the nation and produces a manifest and positive good. A practical construction, thus supported, shows that it has reason on its side and is called for by the interests of the Union. Hence, too, the presumption that it will be persevered in. It will surely be better to admit that the construction given by these examples has been just and proper than to deny that construction and still to practice on it—to say one thing and to do another.

Wherein consists the danger of giving a liberal construction to the right of Congress to raise and appropriate the public money? It has been shown that its obvious effect is to secure the rights of the States from encroachment and greater harmony in the political movement between the two governments, while it enlarges to a certain extent in the most harmless way the useful agency of the General Government for all the purposes of its institution. Is not the responsibility of the representative to his constituent in every branch of the General Government equally strong and as sensibly felt as in the State governments, and is not the security against abuse as effectual in the one as in the other government? The history of the General Government in all its measures fully demonstrates that Congress will never venture to impose unnecessary burdens on the people or any that can be avoided. Duties and imposts have always been light, not greater, perhaps, than would have been imposed for the encouragement of our manufactures had there been no occasion for the revenue arising from them; and taxes and excises have never been laid except in cases of necessity, and repealed as soon as the necessity ceased. Under this mild process and the sale of some hundreds of millions of acres of good land, the Government will be possessed of money, which may be applied with great advantage to national purposes. Within the States only will it be applied, and, of course, for their benefit, it not being presumable that such appeals as were made to the benevolence of the country in the instances of the inhabitants of St. Domingo and Caracas will often occur. How, then, shall this revenue be applied? Should it be idle in the Treasury? That our resources will be equal to such useful purposes I have no doubt, especially if by completing our fortifications and raising and maintaining our Navy at the point provided for immediately after the war we sustain our present altitude and preserve by means thereof for any length of time the peace of the Union.

When we hear charges raised against other governments of breaches of their constitutions, or, rather, of their charters, we always anticipate the most serious consequences—communities deprived of privileges which they have long enjoyed, or individuals oppressed and punished in violation of the ordinary forms and guards of trial to which they were accustomed and entitled. How different is the situation of the United States! Nor can anything mark more strongly the great characteristics of that difference than the grounds on which like charges are raised against this Gov-

ernment. It is not alleged that any portion of the community or any individual has been oppressed or that money has been raised under a doubtful title. The principal charges are that a work of great utility to the Union and affecting immediately and with like advantage many of the States has been constructed; that pensions to the surviving patriots of our Revolution, to patriots who fought the battles and promoted the independence of their country, have been granted, by money, too, raised not only without oppression, but almost without being felt, and under an acknowledged constitutional power.

From this view of the right to appropriate and of the practice under it I think that I am authorized to conclude that the right to make internal improvements has not been granted by the power "to pay the debts and provide for the common defense and general welfare," included in the first of the enumerated powers; that that grant conveys nothing more than a right to appropriate the public money, and stands on the same ground with the right to lay and collect taxes, duties, imposts, and excises, conveyed by the first branch of that power; that the Government itself being limited, both branches of the power to raise and appropriate the public money are also limited, the extent of the Government as designated by the specific grants marking the extent of the power in both branches, extending, however, to every object embraced by the fair scope of those grants and not confined to a strict construction of their respective powers, it being safer to aid the purposes of those grants by the appropriation of money than to extend by a forced construction the grant itself; that although the right to appropriate the public money to such improvements affords a resource indispensably necessary to such a scheme, it is nevertheless deficient as a power in the great characteristics on which its execution depends.

The substance of what has been urged on this subject may be expressed in a few words. My idea is that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general, not local, national, not State, benefit.

I will now proceed to the fifth source from which the power is said to be derived, viz, the power to make all laws which shall be necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof. This is the seventeenth and last of the enumerated powers granted to Congress.

I have always considered this power as having been granted on a principle of greater caution to secure the complete execution of all the powers which had been vested in the General Government. It contains no distinct and specific power, as every other grant does, such as to lay and collect taxes, to declare war, to regulate commerce, and the like. Looking to the whole scheme of the General Government, it gives to Congress authority to make all laws which should be deemed necessary and proper for carrying all its powers into effect. My impression has been invariably that this power would have existed substantially if this grant had not been made; for why is any power granted unless it be to be executed when required, and how can it be executed under our Government unless it be by laws necessary and proper for the purpose—that is, well adapted to the end? It is a principle universally admitted that a grant of a power conveys as a necessary consequence or incident to it the means of carrying it into effect by a fair construction of its import. In the formation, however, of the Constitution, which was to act directly upon the people and be paramount to the extent of its powers to the constitutions of the States, it was wise in its framers to leave nothing to implication which might be reduced to certainty. It is known that all power which rests solely on that ground has been systematically and zealously opposed under all governments with which we have any acquaintance; and it was reasonable to presume that under our system, where there was a division of the sovereignty between the two independent governments, the

measures of the General Government would excite equal jealousy and produce an opposition not less systematic, though, perhaps, less violent. Hence the policy by the framers of our Government of securing by a fundamental declaration in the Constitution a principle which in all other governments had been left to implication only. The terms "necessary" and "proper" secure to the powers of all the grants to which the authority given in this is applicable a fair and sound construction, which is equally binding as a rule on both Governments and on all their departments.

In examining the right of the General Government to adopt and execute under this grant a system of internal improvement the sole question to be decided is whether the power has been granted under any of the other grants. If it has, this power is applicable to it to the extent stated. If it has not, it does not exist at all, for it has not been hereby granted. I have already examined all the other grants (one only excepted, which will next claim attention) and shown, as I presume, on the most liberal construction of their powers that the right has not been granted by any of them; hence it follows that in regard to them it has not been granted by this.

I come now to the last source from which this power is said to be derived, viz, the power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States, which is contained in the second clause of the third section of the fourth article of the Constitution.

To form a just opinion of the nature and extent of this power it will be necessary to bring into view the provisions contained in the first clause of the section of the article referred to, which makes an essential part of the policy in question. By this it is declared that new States shall be admitted into the Union, but that no new States shall be formed or erected within the jurisdiction of any other State, nor any States be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned as well as of the United States.

If we recur to the condition of our country at the commencement of the Revolution, we shall see the origin and cause of these provisions. By the charters of the several colonies limits by latitude and other descriptions were assigned to each. In commencing the Revolution the colonies, as has already been observed, claimed by those limits, although their population extended in many instances to a small portion of the territory lying within them. It was contended by some of the States after the declaration of independence that the vacant lands lying within any of the States should become the property of the Union, as by a common exertion they would be acquired. This claim was resisted by the others on the principle that all the States entered into the contest in the full extent of their chartered rights, and that they ought to have the full benefit of those rights in the event of success. Happily this controversy was settled, as all interfering claims and pretensions between the members of our Union and between the General Government and any of these members have been, in the most amicable manner and to the satisfaction of all parties. On the recommendation of Congress the individual States having such territory within their chartered limits ceded large portions thereof to the United States on condition that it should be laid off into districts of proper dimensions, the lands to be sold for the benefit of the United States, and that the districts be admitted into the Union when they should obtain such a population as it might be thought proper and reasonable to prescribe. This is the territory and this the property referred to in the second clause of the fourth article of the Constitution.

All the States which had made cessions of vacant territory except Georgia had made them before the adoption of the Constitution, and that State had made a proposition to Congress to that effect which was under consideration at the time the Constitution was adopted. The cession was completed after the adoption of the Constitution. It was made on the same principle and on similar conditions with those which had been already made by the other States. As differences might arise respecting the right or the policy in Congress to admit new States into the Union under the

new Government, or to make regulations for the government of the territory ceded in the intermediate state, or for the improvement and sale of the public lands, or to accept other cessions, it was thought proper to make special provisions for these objects, which was accordingly done by the above-recited clause in the Constitution.

Thus the power of Congress over the ceded territory was not only limited to these special objects, but was also temporary. As soon as the territory became a State the jurisdiction over it as it had before existed ceased. It extended afterwards only to the unsold lands, and as soon as the whole were sold it ceased in that sense also altogether. From that moment the United States have no jurisdiction or power in the new States other than in the old, nor can it be obtained except by an amendment of the Constitution.

Since, then, it is manifest that the power granted to Congress to dispose of and make all needful regulations respecting the territory and other property of the United States relates solely to the territory and property which had been ceded by individual States, and which after such cession lay without their respective limits, and for which special provision was deemed necessary, the main power of the Constitution operating internally, not being applicable or adequate thereto, it follows that this power gives no authority, and has even no bearing on the question of internal improvement. The authority to admit new States and to dispose of the property and regulate the territory is not among the enumerated powers granted to Congress, because the duties to be performed under it are not among the ordinary duties of that body, like the imposition of taxes, the regulation of commerce, and the like. They are objects in their nature special, and for which special provision was more suitable and proper.

Having now examined all the powers of Congress under which the right to adopt and execute a system of internal improvement is claimed and the reasons in support of it in each instance, I think that it may fairly be concluded that such a right has not been granted. It appears and is admitted that much may be done in aid of such a system by the right which is derived from several of the existing grants, and more especially from that to appropriate the public money. But still it is manifest that as a system for the United States it can never be carried into effect under that grant nor under all of them united, the great and essential power being deficient, consisting of a right to take up the subject on principle; to cause our Union to be examined by men of science, with a view to such improvements; to authorize commissioners to lay off the roads and canals in all proper directions; to take the land at a valuation if necessary, and to construct the works; to pass laws with suitable penalties for their protection; and to raise a revenue from them, to keep them in repair, and make further improvement by the establishment of turnpikes and tolls, with gates to be placed at the proper distances.

It need scarcely be remarked that this power will operate, like many others now existing, without affecting the sovereignty of the States except in the particular offices to be performed. The jurisdiction of the several States may still exist over the roads and canals within their respective limits, extending alike to persons and property, as if the right to make and protect such improvements had not been vested in Congress. The right, being made commensurate simply with the purposes indispensable to the system, may be strictly confined to them. The right of Congress to protect the works by laws imposing penalties would operate on the same principles as the right to protect the mail. The act being punishable only, a jurisdiction over the place would be altogether unnecessary and even absurd.

In the preceding inquiry little has been said of the advantages which would attend the exercise of such a power by the General Government. I have made the inquiry under a deep conviction that they are almost incalculable, and that there was a general concurrence of opinion among our fellow-citizens to that effect. Still, it may not be improper for me to state the grounds upon which my own impression is founded. If it sheds no additional light on this interesting part of the subject, it will at least

show that I have had more than one powerful motive for making the inquiry. A general idea is all that I shall attempt.

The advantages of such a system must depend upon the interests to be affected by it and the extent to which they may be affected, and those must depend on the capacity of our country for improvement and the means at its command applicable to that object.

I think that I may venture to affirm that there is no part of our globe comprehending so many degrees of latitude on the main ocean and so many degrees of longitude into the interior that admits of such great improvement and at so little expense. The Atlantic on the one side, and the Lakes, forming almost inland seas, on the other, separated by high mountains, which rise in the valley of the St. Lawrence and determine in that of the Mississippi, traversing from north to south almost the whole interior, with innumerable rivers on every side of those mountains, some of vast extent, many of which take their sources near to each other, give the great outline. The details are to be seen on the valuable maps of our country.

It appears by the light already before the public that it is practicable and easy to connect by canals the whole coast from its southern to its northern extremity in one continued inland navigation, and to connect in like manner in many parts the Western lakes and rivers with each other. It is equally practicable and easy to facilitate the intercourse between the Atlantic and the Western country by improving the navigation of many of the rivers which have their sources near to each other in the mountains on each side, and by good roads across the mountains between the highest navigable points of those rivers. In addition to the example of the Cumberland road, already noticed, another of this kind is now in train from the head waters of the river James to those of the Kanawha; and in like manner may the Savannah be connected with the Tennessee. In some instances it is understood that the Eastern and Western waters may be connected together directly by canals. One great work of this kind is now in its progress and far advanced in the State of New York, and there is good reason to believe that two others may be formed, one at each extremity of the high mountains above mentioned, connecting in the one instance the waters of the St. Lawrence with Lake Champlain, and in the other some of the most important of the Western rivers with those emptying into the Gulf of Mexico, the advantage of which will be seen at the first glance by an enlightened observer.

Great improvements may also be made by good roads in proper directions through the interior of the country. As these roads would be laid out on principle on a full view of the country, its mountains, rivers, etc., it would be useless, if I had the knowledge, to go into detail respecting them. Much has been done by some of the States, but yet much remains to be done with a view to the Union.

Under the colonial governments improvements of this kind were not thought of. There was, it is believed, not one canal and little communication from colony to colony. It was their policy to encourage the intercourse between each colony and the parent country only. The roads which were attended to were those which led from the interior of each colony to its principal towns on the navigable waters. By those routes the produce of the country was carried to the coast, and shipped thence to the mercantile houses in London, Liverpool, Glasgow, or other towns to which the trade was carried on. It is believed that there was but one connected route from North to South at the commencement of the Revolution, and that a very imperfect one. The existence and principle of our Union point out the necessity of a very different policy.

The advantages which would be derived from such improvements are incalculable. The facility which would thereby be afforded to the transportation of the whole of the rich productions of our country to market would alone more than amply compensate for all the labor and expense attending them. Great, however, as is that advantage, it is one only of many and by no means the most important. Every

power of the General Government and of the State governments connected with the strength and resources of the country would be made more efficient for the purposes intended by them. In war they would facilitate the transportation of men, ordnance, and provisions, and munitions of war of every kind to every part of our extensive coast and interior on which an attack might be made or threatened. Those who have any knowledge of the occurrences of the late war must know the good effect which would result in the event of another war from the command of an interior navigation alone along the coast for all the purposes of war as well as of commerce between the different parts of our Union. The impediments to all military operations which proceeded from the want of such a navigation and the reliance which was placed, notwithstanding those impediments, on such a commerce can not be forgotten. In every other line their good effect would be most sensibly felt. Intelligence by means of the Post-Office Department would be more easily, extensively, and rapidly diffused. Parts the most remote from each other would be brought more closely together. Distant lands would be made more valuable, and the industry of our fellow-citizens on every portion of our soil be better rewarded.

It is natural in so great a variety of climate that there should be a corresponding difference in the produce of the soil; that one part should raise what the other might want. It is equally natural that the pursuits of industry should vary in like manner; that labor should be cheaper and manufactures succeed better in one part than in another; that were the climate the most severe and the soil less productive, navigation, the fisheries, and commerce should be most relied on. Hence the motive for an exchange for mutual accommodation and active intercourse between them. Each part would thus find for the surplus of its labor, in whatever article it consisted, an extensive market at home, which would be the most profitable because free from duty.

There is another view in which these improvements are of still more vital importance. The effect which they would have on the bond of union itself affords an inducement for them more powerful than any which have been urged or than all of them united. The only danger to which our system is exposed arises from its expansion over a vast territory. Our union is not held together by standing armies or by any ties other than the positive interests and powerful attractions of its parts toward each other. Ambitious men may hereafter grow up among us who may promise to themselves advancement from a change, and by practicing upon the sectional interests, feelings, and prejudices endeavor under various pretexts to promote it. The history of the world is replete with examples of this kind—of military commanders and demagogues becoming usurpers and tyrants, and of their fellow-citizens becoming their instruments and slaves. I have little fear of this danger, knowing well how strong the bond which holds us together is and who the people are who are thus held together; but still, it is proper to look at and to provide against it, and it is not within the compass of human wisdom to make a more effectual provision than would be made by the proposed improvements. With their aid and the intercourse which would grow out of them the parts would soon become so compacted and bound together that nothing could break it.

The expansion of our Union over a vast territory can not operate unfavorably to the States individually. On the contrary, it is believed that the greater the expansion within practicable limits—and it is not easy to say what are not so—the greater the advantage which the States individually will derive from it. With governments separate, vigorous, and efficient for all local purposes, their distance from each other can have no injurious effect upon their respective interests. It has already been shown that in some important circumstances, especially with the aid of these improvements, they must derive great advantage from that cause alone—that is, from their distance from each other. In every other way the expansion of our system must operate favorably for every State in proportion as it operates favorably for the

Union. It is in that sense only that it can become a question with the States, or, rather, with the people who compose them. As States they can be affected by it only by their relation to each other through the General Government and by its effect on the operations of that Government. Manifest it is that to any extent to which the General Government can sustain and execute its functions with complete effect will the States—that is, the people who compose them—be benefited. It is only when the expansion shall be carried beyond the faculties of the General Government so as to enfeeble its operations to the injury of the whole that any of the parts can be injured. The tendency in that stage will be to dismemberment and not to consolidation. This danger should, therefore, be looked at with profound attention as one of a very serious character. I will remark here that as the operations of the National Government are of a general nature, the States having complete power for internal and local purposes, the expansion may be carried to very great extent and with perfect safety. It must be obvious to all that the further the expansion is carried, provided it be not beyond the just limit, the greater will be the freedom of action to both Governments and the more perfect their security, and in all other respects the better the effect will be to the whole American people. Extent of territory, whether it be great or small, gives to a nation many of its characteristics. It marks the extent of its resources, of its population, of its physical force. It marks, in short, the difference between a great and a small power.

To what extent it may be proper to expand our system of government is a question which does not press for a decision at this time. At the end of the Revolutionary war, in 1783, we had, as we contended and believed, a right to the free navigation of the Mississippi, but it was not until after the expiration of twelve years, in 1795, that that right was acknowledged and enjoyed. Further difficulties occurred in the bustling of a contentious world when, at the expiration of eight years more, the United States, sustaining the strength and energy of their character, acquired the Province of Louisiana, with the free navigation of the river from its source to the ocean and a liberal boundary on the western side. To this Florida has since been added, so that we now possess all the territory in which the original States had any interest, or in which the existing States can be said, either in a national or local point of view, to be in any way interested. A range of States on the western side of the Mississippi, which already is provided for, puts us essentially at ease. Whether it will be wise to go further will turn on other considerations than those which have dictated the course heretofore pursued. At whatever point we may stop, whether it be at a single range of States beyond the Mississippi or by taking a greater scope, the advantage of such improvements is deemed of the highest importance. It is so on the present scale. The further we go the greater will be the necessity for them.

It can not be doubted that improvements for great national purposes would be better made by the National Government than by the governments of the several States. Our experience prior to the adoption of the Constitution demonstrated that in the exercise by the individual States of most of the powers granted to the United States a contracted rivalry of interest and misapplied jealousy of each other had an important influence on all their measures to the great injury of the whole. This was particularly exemplified by the regulations which they severally made of their commerce with foreign nations and with each other. It was this utter incapacity in the State governments, proceeding from these and other causes, to act as a nation and to perform all the duties which the nation owed to itself under any system which left the General Government dependent on the States, which produced the transfer of these powers to the United States by the establishment of the present Constitution. The reasoning which was applicable to the grant of any of the powers now vested in Congress is likewise so, at least to a certain extent, to that in question. It is natural that the States individually in making improvements should look to their particular and local interests. The members composing their respective legislatures represent

the people of each State only, and might not feel themselves at liberty to look to objects in these respects beyond that limit. If the resources of the Union were to be brought into operation under the direction of the State assemblies, or in concert with them, it may be apprehended that every measure would become the object of negotiation, of bargain and barter, much to the disadvantage of the system, as well as discredit to both governments. But Congress would look to the whole and make improvements to promote the welfare of the whole. It is the peculiar felicity of the proposed amendment that while it will enable the United States to accomplish every national object, the improvements made with that view will eminently promote the welfare of the individual States, who may also add such others as their own particular interests may require.

The situation of the Cumberland road requires the particular and early attention of Congress. Being formed over very lofty mountains and in many instances over deep and wide streams, across which valuable bridges have been erected, which are sustained by stone walls, as are many other parts of the road, all these works are subject to decay, have decayed, and will decay rapidly unless timely and effectual measures are adopted to prevent it.

The declivities from the mountains and all the heights must suffer from the frequent and heavy falls of water and its descent to the valleys, as also from the deep congelations during our severe winters. Other injuries have also been experienced on this road, such as the displacing the capping of the walls and other works, committed by worthless people either from a desire to render the road impassable or to have the transportation in another direction, or from a spirit of wantonness to create employment for idlers. These considerations show that an active and strict police ought to be established over the whole road, with power to make repairs when necessary, to establish turnpikes and tolls as the means of raising money to make them, and to prosecute and punish those who commit waste and other injuries.

Should the United States be willing to abandon this road to the States through which it passes, would they take charge of it, each of that portion within its limits, and keep it in repair? It is not to be presumed that they would, since the advantages attending it are exclusively national, by connecting, as it does, the Atlantic with the Western States, and in a line with the seat of the National Government. The most expensive parts of this road lie within Pennsylvania and Virginia, very near the confines of each State and in a route not essentially connected with the commerce of either.

If it is thought proper to vest this power in the United States, the only mode in which it can be done is by an amendment of the Constitution. The States individually can not transfer the power to the United States, nor can the United States receive it. The Constitution forms an equal and the sole relation between the General Government and the several States, and it recognizes no change in it which shall not in like manner apply to all. If it is once admitted that the General Government may form compacts with individual States not common to the others, and which the others might even disapprove, into what pernicious consequences might it not lead? Such compacts are utterly repugnant to the principles of the Constitution and of the most dangerous tendency. The States through which this road passes have given their sanction only to the route and to the acquisition of the soil by the United States, a right very different from that of jurisdiction, which can not be granted without an amendment to the Constitution, and which need not be granted for the purposes of this system except in the limited manner heretofore stated. On full consideration, therefore, of the whole subject I am of opinion that such an amendment ought to be recommended to the several States for their adoption.

I have now essentially executed that part of the task which I imposed on myself of examining the right of Congress to adopt and execute a system of internal improvement, and, I presume, have shown that it does not exist. It is, I think, equally

manifest that such a power vested in Congress and wisely executed would have the happiest effect on all the great interests of our Union. It is, however, my opinion that the power should be confined to great national works only, since if it were unlimited it would be liable to abuse and might be productive of evil. For all minor improvements the resources of the States individually would be fully adequate, and by the States such improvements might be made with greater advantage than by the Union, as they would understand better such as their more immediate and local interests required.

In the view above presented I have thought it proper to trace the origin of our institutions, and particularly of the State and National Governments, for although they have a common origin in the people, yet, as the point at issue turned on what were the powers granted to the one government and what were those which remained to the other, I was persuaded that an analysis which should mark distinctly the source of power in both governments, with its progress in each, would afford the best means for obtaining a sound result. In our political career there are, obviously, three great epochs. The colonial state forms the first; the Revolutionary movement from its commencement to the adoption of the Articles of Confederation the second, and the intervening space from that event to the present day the third. The first may be considered the infant state. It was the school of morality, of political science and just principles. The equality of rights enjoyed by the people of every colony under their original charters forms the basis of every existing institution, and it was owing to the creation by those charters of distinct communities that the power, when wrested from the Crown, passed directly and exclusively to the people of each colony. The Revolutionary struggle gave activity to those principles, and its success secured to them a permanent existence in the governments of our Union, State and National. The third epoch comprises the administration under the Articles of Confederation, with the adoption of the Constitution and administration under it. On the first and last of these epochs it is not necessary to enlarge for any purpose connected with the object of this inquiry. To the second, in which we were transferred by a heroic exertion from the first to the third stage, and whose events give the true character to every institution, some further attention is due. In tracing in greater detail the prominent acts of a movement to which we owe so much I shall perform an office which, if not useful, will be gratifying to my own feelings, and I hope not unacceptable to my readers.

Of the Revolutionary movement itself sentiments too respectful, too exalted, can not be entertained. It is impossible for any citizen having a just idea of the dangers which we had to encounter to read the record of our early proceedings and to see the firmness with which they were met and the wisdom and patriotism which were displayed in every stage without being deeply affected by it. An attack on Massachusetts was considered an attack on every colony, and the people of each moved in her defense as in their own cause. The meeting of the General Congress in Philadelphia on the 6th of September, 1774, appears to have been the result of a spontaneous impulse in every quarter at the same time. The first public act proposing it, according to the Journals of the First Congress, was passed by the house of representatives of Connecticut on the 3d of June of that year; but it is presumed that the first suggestion came from Massachusetts, the colony most oppressed, and in whose favor the general sympathy was much excited. The exposition which that Congress made of grievances, in the petition to the King, in the address to the people of Great Britain, and in that to the people of the several colonies, evinced a knowledge so profound of the English constitution and of the general principles of free government and of liberty, of our rights founded on that constitution and on the charters of the several colonies, and of the numerous and egregious violations which had been committed of them, as must have convinced all impartial minds that the talent on this side of the Atlantic was at least equal to that on the other. The spirit in

which those papers were drawn, which was known to be in strict accord with the public sentiment, proved that, although the whole people cherished a connection with the parent country and were desirous of preserving it on just principles, they nevertheless stood embodied at the parting line, ready to separate forever if a redress of grievances, the alternative offered, was not promptly rendered. That alternative was rejected, and in consequence war and dismemberment followed.

The powers granted to the delegates of each colony who composed the First Congress looked primarily to the support of rights and to a redress of grievances, and, in consequence, to the restoration of harmony, which was ardently desired. They justified, however, any extremity in case of necessity. They were ample for such purposes, and were executed in every circumstance with the utmost fidelity. It was not until after the meeting of the Second Congress, which took place on the 10th May, 1775, when full proof was laid before it of the commencement of hostilities in the preceding month by a deliberate attack of the British troops on the militia and inhabitants of Lexington and Concord, in Massachusetts, that war might be said to be decided on, and measures were taken to support it. The progress even then was slow and reluctant, as will be seen by their second petition to the King and their second address to the people of Great Britain, which were prepared and forwarded after that event. The arrival, however, of large bodies of troops and the pressure of war in every direction soon dispelled all hope of accommodation.

On the 15th of June, 1775, a commander in chief of the forces raised and to be raised for the defense of American liberty was appointed by the unanimous vote of Congress, and his conduct in the discharge of the duties of that high trust, which he held through the whole of the war, has given an example to the world for talents as a military commander; for integrity, fortitude, and firmness under the severest trials; for respect to the civil authority and devotion to the rights and liberties of his country, of which neither Rome nor Greece have exhibited the equal. I saw him in my earliest youth, in the retreat through Jersey, at the head of a small band, or rather in its rear, for he was always next the enemy, and his countenance and manner made an impression on me which time can never efface. A lieutenant then in the Third Virginia Regiment, I happened to be on the rear guard at Newark, and I counted the force under his immediate command by platoons as it passed me, which amounted to less than 3,000 men. A deportment so firm, so dignified, so exalted, but yet so modest and composed, I have never seen in any other person.

On the 6th July, 1775, Congress published a declaration of the causes which compelled them to take up arms, and immediately afterwards took measures for augmenting the Army and raising a navy; for organizing the militia and providing cannon and small arms and military stores of every kind; for raising a revenue and pushing the war offensively with all the means in their power. Nothing escaped the attention of that enlightened body. The people of Canada were invited to join the Union, and a force sent into the province to favor the Revolutionary party, which, however, was not capable of affording any essential aid. The people of Ireland were addressed in terms manifesting due respect for the sufferings, the talents, and patriotism of that portion of the British Empire, and a suitable acknowledgment was made to the assembly of Jamaica for the approbation it had expressed of our cause and the part it had taken in support of it with the British Government.

On the 2d of June, 1775, the convention of Massachusetts, by a letter signed by their president, of May the 10th, stated to Congress that they labored under difficulties for the want of a regular form of government, and requested to be favored with explicit advice respecting the taking up and exercising the powers of civil government, and declaring their readiness to submit to such a general plan as the Congress might direct for the colonies, or that they would make it their great study to establish such a form of government there as should not only promote their own advantage, but the union and interest of all America. To this application an answer was given on the

9th, by which it was recommended to the convention "to write letters to the inhabitants of the several places entitled to representation in assembly, requesting them to choose such representatives, and that the assembly, when chosen, should elect councilors, and that said assembly or council should exercise the powers of government until a governor of His Majesty's appointment will consent to govern the colony according to its charter."

On the 18th October of the same year the delegates from New Hampshire laid before Congress an instruction from their convention "to use their utmost endeavors to obtain the advice and direction of Congress with respect to a method for administering justice and regulating their civil police." To this a reply was given on the 3d November, by which it was recommended to the convention "to call a full and free representation of the people, and that the representatives, if they thought it necessary, should establish such a form of government as in their judgment would best promote the happiness of the people and most effectually secure peace and good order in the Province during the continuance of the present dispute between Great Britain and the colonies."

On the 4th November it was resolved by Congress "that if the convention of South Carolina shall find it necessary to establish a form of government in that colony it be recommended to that convention to call a full and free representation of the people; and the said representatives, if they think it necessary, shall establish such a form of government as in their judgment will best promote the happiness of the people and most effectually secure peace and good order in the colony during the continuance of the present dispute between Great Britain and the colonies."

On the 4th December following a resolution passed recommending the same measure, and precisely in the same words, to the convention of Virginia.

On the 10th May, 1776, it was recommended to the respective assemblies and conventions of the united colonies, where no government sufficient to the exigencies of their affairs had been established, "to adopt such government as should, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular and America in general."

On the 7th June resolutions respecting independence were moved and seconded, which were referred to a committee of the whole on the 8th and 10th, on which latter day it was resolved to postpone a decision on the first resolution or main question until the 1st July, but that no time might be lost in case the Congress agree thereto that a committee be appointed to prepare a declaration to the effect of that resolution.

On the 11th June, 1776, Congress appointed a committee to prepare and digest a plan of confederation for the colonies. On the 12th July the committee reported a draft of articles, which were severally afterwards debated and amended until the 15th November, 1777, when they were adopted. These articles were then proposed to the legislatures of the several States, with a request that if approved by them they would authorize their delegates to ratify the same in Congress, and, which being done, to become conclusive. It was not until the 21st of March, 1781, as already observed, that they were ratified by the last State and carried into effect.

On the 4th July, 1776, independence was declared by an act which arrested the attention of the civilized world and will bear the test of time. For force and condensation of matter, strength of reason, sublimity of sentiment and expression, it is believed that no document of equal merit exists. It looked to everything, and with a reach, perspicuity, and energy of mind which seemed to be master of everything.

Thus it appears, in addition to the very important charge of managing the war, that Congress had under consideration at the same time the Declaration of Independence, the adoption of a confederation for the States, and the propriety of instituting State governments, with the nature of those governments, respecting which it had been consulted by the conventions of several of the colonies. So great a trust was never reposed before in a body thus constituted, and I am authorized to add, looking to the great result, that never were duties more ably or faithfully performed.

The distinguishing characteristic of this movement is that although the connection which had existed between the people of the several colonies before their dismemberment from the parent country was not only not dissolved but increased by that event, even before the adoption of the Articles of Confederation, yet the preservation and augmentation of that tie were the result of a new creation, and proceeded altogether from the people of each colony, into whose hands the whole power passed exclusively when wrested from the Crown. To the same cause the greater change which has since occurred by the adoption of the Constitution is to be traced.

The establishment of our institutions forms the most important epoch that history hath recorded. They extend unexampled felicity to the whole body of our fellow-citizens, and are the admiration of other nations. To preserve and hand them down in their utmost purity to the remotest ages will require the existence and practice of virtues and talents equal to those which were displayed in acquiring them. It is ardently hoped and confidently believed that these will not be wanting.

PROCLAMATIONS.

By the President of the United States.

A PROCLAMATION.

Whereas by the second section of an act of Congress of the 6th of May last, entitled "An act in addition to the act concerning navigation, and also to authorize the appointment of deputy collectors," it is provided that in the event of the signature of any treaty or convention concerning the navigation or commerce between the United States and France the President of the United States, if he should deem the same expedient, may suspend by proclamation until the end of the next session of Congress the operation of the act entitled "An act to impose a new tonnage duty on French ships and vessels, and for other purposes," and also to suspend, as aforesaid, all other duties on French vessels or the goods imported in the same which may exceed the duties on American vessels and on similar goods imported in the same; and

Whereas a convention of navigation and commerce between the United States of America and His Majesty the King of France and Navarre has this day been duly signed by John Quincy Adams, Secretary of State, on the part of the United States, and by the Baron Hyde de Neuville, envoy extraordinary and minister plenipotentiary from France, on the part of His Most Christian Majesty, which convention is in the words following:

[Here follows the treaty.]

Now, therefore, be it known that I, James Monroe, President of the United States, in pursuance of the authority aforesaid, do hereby suspend from and after the 1st day of October next until the end of the next session of Congress, the operation of the act aforesaid, entitled "An act to impose a new tonnage duty on French ships and vessels, and for other

purposes," and also all other duties on French vessels and the goods being the growth, produce, and manufacture of France imported in the same which may exceed the duties on American vessels and on similar goods imported in the same, saving only the discriminating duties payable on French vessels and on articles the growth, produce, and manufacture of France imported in the same stipulated by the said convention to be paid.

In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

[SEAL.] Done at Washington, the 24th day of June, A. D. 1822, and of the Independence of the United States the forty-sixth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States passed on the 6th day of May last it was provided that on satisfactory evidence being given to the President of the United States that the ports in the islands or colonies in the West Indies under the dominion of Great Britain have been opened to the vessels of the United States the President should be, and thereby was, authorized to issue his proclamation declaring that the ports of the United States should thereafter be open to the vessels of Great Britain employed in the trade and intercourse between the United States and such islands or colonies, subject to such reciprocal rules and restrictions as the President of the United States might by such proclamation make and publish, anything in the laws entitled "An act concerning navigation" or an act entitled "An act supplementary to an act concerning navigation" to the contrary notwithstanding; and

Whereas satisfactory evidence has been given to the President of the United States that the ports hereinafter named in the islands or colonies in the West Indies under the dominion of Great Britain have been opened to the vessels of the United States; that is to say, the ports of Kingston, Savannah le Mar, Montego Bay, Santa Lucia, Antonio, St. Ann, Falmouth, Maria, Morant Bay, in Jamaica; St. George, Grenada; Roseau, Dominica; St. Johns, Antigua; San Josef, Trinidad; Scarborough, Tobago; Road Harbour, Tortola; Nassau, New Providence; Pittstown, Crooked Island; Kingston, St. Vincent; Port St. George and Port Hamilton, Bermuda; any port where there is a custom-house, Bahamas; Bridgetown, Barbadoes; St. Johns, St. Andrews, New Brunswick; Halifax, Nova Scotia; Quebec, Canada; St. Johns, Newfoundland; Georgetown, Demerara; New

Amsterdam, Berbice; Castries, St. Lucia; Besseterre, St. Kitts; Charlestown, Nevis; and Plymouth, Montserrat:

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim that the ports of the United States shall hereafter, and until the end of the next session of the Congress of the United States, be open to the vessels of Great Britain employed in the trade and intercourse between the United States and the islands and colonies hereinbefore named, anything in the laws entitled "An act concerning navigation" or an act entitled "An act supplementary to an act concerning navigation" to the contrary notwithstanding, under the following reciprocal rules and restrictions, namely:

To vessels of Great Britain, bona fide British built, owned and the master and three-fourths of the mariners of which at least shall belong to Great Britain, or any United States built ship or vessel which has been sold to and become the property of British subjects, such ship or vessel being also navigated with a master and three-fourths of the mariners at least belonging to Great Britain: *And provided always*, That no articles shall be imported into the United States in any such British ship or vessel other than articles of the growth, produce, or manufacture of the British islands and colonies in the West Indies when imported in British vessels coming from any such island or colony, and articles of the growth, produce, or manufacture of the British colonies in North America or of the island of Newfoundland in vessels coming from the port of St. Johns, in that island, or from any of the aforesaid ports of the British colonies in North America.

Given under my hand, at the city of Washington, this 24th day of August, A. D. 1822, and in the forty-seventh year of the Independence of the United States. JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

SIXTH ANNUAL MESSAGE.

WASHINGTON, *December 3, 1822.*

Fellow-Citizens of the Senate and House of Representatives:

Many causes unite to make your present meeting peculiarly interesting to our constituents. The operation of our laws on the various subjects to which they apply, with the amendments which they occasionally require, imposes annually an important duty on the representatives of a free people. Our system has happily advanced to such maturity that I am not aware that your cares in that respect will be augmented. Other causes exist which are highly interesting to the whole civilized world, and to no portion of it more so, in certain views, than to the United

States. Of these causes and of their bearing on the interests of our Union I shall communicate the sentiments which I have formed with that freedom which a sense of duty dictates. It is proper, however, to invite your attention in the first instance to those concerns respecting which legislative provision is thought to be particularly urgent.

On the 24th of June last a convention of navigation and commerce was concluded in this city between the United States and France by ministers duly authorized for the purpose. The sanction of the Executive having been given to this convention under a conviction that, taking all its stipulations into view, it rested essentially on a basis of reciprocal and equal advantage, I deemed it my duty, in compliance with the authority vested in the Executive by the second section of the act of the last session of the 6th of May, concerning navigation, to suspend by proclamation until the end of the next session of Congress the operation of the act entitled "An act to impose a new tonnage duty on French ships and vessels, and for other purposes," and to suspend likewise all other duties on French vessels or the goods imported in them which exceeded the duties on American vessels and on similar goods imported in them. I shall submit this convention forthwith to the Senate for its advice and consent as to the ratification.

Since your last session the prohibition which had been imposed on the commerce between the United States and the British colonies in the West Indies and on this continent has likewise been removed. Satisfactory evidence having been adduced that the ports of those colonies had been opened to the vessels of the United States by an act of the British Parliament bearing date on the 24th of June last, on the conditions specified therein, I deemed it proper, in compliance with the provision of the first section of the act of the last session above recited, to declare, by proclamation bearing date on the 24th of August last, that the ports of the United States should thenceforward and until the end of the next session of Congress be opened to the vessels of Great Britain employed in that trade, under the limitation specified in that proclamation.

A doubt was entertained whether the act of Congress applied to the British colonies on this continent as well as to those in the West Indies, but as the act of Parliament opened the intercourse equally with both, and it was the manifest intention of Congress, as well as the obvious policy of the United States, that the provisions of the act of Parliament should be met in equal extent on the part of the United States, and as also the act of Congress was supposed to vest in the President some discretion in the execution of it, I thought it advisable to give it a corresponding construction.

Should the constitutional sanction of the Senate be given to the ratification of the convention with France, legislative provisions will be necessary to carry it fully into effect, as it likewise will be to continue in force, on such conditions as may be deemed just and proper, the inter-

course which has been opened between the United States and the British colonies. Every light in the possession of the Executive will in due time be communicated on both subjects.

Resting essentially on a basis of reciprocal and equal advantage, it has been the object of the Executive in transactions with other powers to meet the propositions of each with a liberal spirit, believing that thereby the interest of our country would be most effectually promoted. This course has been systematically pursued in the late occurrences with France and Great Britain, and in strict accord with the views of the Legislature. A confident hope is entertained that by the arrangement thus commenced with each all differences respecting navigation and commerce with the dominions in question will be adjusted, and a solid foundation be laid for an active and permanent intercourse which will prove equally advantageous to both parties.

The decision of His Imperial Majesty the Emperor of Russia on the question submitted to him by the United States and Great Britain, concerning the construction of the first article of the treaty of Ghent, has been received. A convention has since been concluded between the parties, under the mediation of His Imperial Majesty, to prescribe the mode by which that article shall be carried into effect in conformity with that decision. I shall submit this convention to the Senate for its advice and consent as to the ratification, and, if obtained, shall immediately bring the subject before Congress for such provisions as may require the interposition of the Legislature.

In compliance with an act of the last session a Territorial government has been established in Florida on the principles of our system. By this act the inhabitants are secured in the full enjoyment of their rights and liberties, and to admission into the Union, with equal participation in the Government with the original States on the conditions heretofore prescribed to other Territories. By a clause in the ninth article of the treaty with Spain, by which that Territory was ceded to the United States, it is stipulated that satisfaction shall be made for the injuries, if any, which by process of law shall be established to have been suffered by the Spanish officers and individual Spanish inhabitants by the late operations of our troops in Florida. No provision having yet been made to carry that stipulation into effect, it is submitted to the consideration of Congress whether it will not be proper to vest the competent power in the district court at Pensacola, or in some tribunal to be specially organized for the purpose.

The fiscal operations of the year have been more successful than had been anticipated at the commencement of the last session of Congress.

The receipts into the Treasury during the three first quarters of the year have exceeded the sum of $14,745,000. The payments made at the Treasury during the same period have exceeded $12,279,000, leaving in the Treasury on the 30th day of September last, including $1,168,592.24

which were in the Treasury on the 1st day of January last, a sum exceeding $4,128,000.

Besides discharging all demands for the current service of the year, including the interest and reimbursement of the public debt, the 6 per cent stock of 1796, amounting to $80,000, has been redeemed. It is estimated that, after defraying the current expenses of the present quarter and redeeming the two millions of 6 per cent stock of 1820, there will remain in the Treasury on the 1st of January next nearly $3,000,000. It is estimated that the gross amount of duties which have been secured from the 1st of January to the 30th of September last has exceeded $19,500,000, and the amount for the whole year will probably not fall short of $23,000,000.

Of the actual force in service under the present military establishment, the posts at which it is stationed, and the condition of each post, a report from the Secretary of War which is now communicated will give a distinct idea. By like reports the state of the Academy at West Point will be seen, as will be the progress which has been made on the fortifications along the coast and at the national armories and arsenals.

The position on the Red River and that at the Sault of St. Marie are the only new posts that have been taken. These posts, with those already occupied in the interior, are thought to be well adapted to the protection of our frontiers. All the force not placed in the garrisons along the coast and in the ordnance depots, and indispensably necessary there, is placed on the frontiers.

The organization of the several corps composing the Army is such as to admit its expansion to a great extent in case of emergency, the officers carrying with them all the light which they possess to the new corps to which they might be appointed.

With the organization of the staff there is equal cause to be satisfied. By the concentration of every branch with its chief in this city, in the presence of the Department, and with a grade in the chief military station to keep alive and cherish a military spirit, the greatest promptitude in the execution of orders, with the greatest economy and efficiency, are secured. The same view is taken of the Military Academy. Good order is preserved in it, and the youth are well instructed in every science connected with the great objects of the institution. They are also well trained and disciplined in the practical parts of the profession. It has been always found difficult to control the ardor inseparable from that early age in such manner as to give it a proper direction. The rights of manhood are too often claimed prematurely, in pressing which too far the respect which is due to age and the obedience necessary to a course of study and instruction in every such institution are sometimes lost sight of. The great object to be accomplished is the restraint of that ardor by such wise regulations and government as, by directing all the energies of the youthful mind to the attainment of useful knowledge,

will keep it within a just subordination and at the same time elevate it to the highest purposes. This object seems to be essentially obtained in this institution, and with great advantage to the Union.

The Military Academy forms the basis, in regard to science, on which the military establishment rests. It furnishes annually, after due examination and on the report of the academic staff, many well-informed youths to fill the vacancies which occur in the several corps of the Army, while others who retire to private life carry with them such attainments as, under the right reserved to the several States to appoint the officers and to train the militia, will enable them, by affording a wider field for selection, to promote the great object of the power vested in Congress of providing for the organizing, arming, and disciplining the militia. Thus by the mutual and harmonious cooperation of the two governments in the execution of a power divided between them, an object always to be cherished, the attainment of a great result, on which our liberties may depend, can not fail to be secured. I have to add that in proportion as our regular force is small should the instruction and discipline of the militia, the great resource on which we rely, be pushed to the utmost extent that circumstances will admit.

A report from the Secretary of the Navy will communicate the progress which has been made in the construction of vessels of war, with other interesting details respecting the actual state of the affairs of that Department. It has been found necessary for the protection of our commerce to maintain the usual squadrons on the Mediterranean, the Pacific, and along the Atlantic coast, extending the cruises of the latter into the West Indies, where piracy, organized into a system, has preyed on the commerce of every country trading thither. A cruise has also been maintained on the coast of Africa, when the season would permit, for the suppression of the slave trade, and orders have been given to the commanders of all our public ships to seize our own vessels, should they find any engaged in that trade, and to bring them in for adjudication.

In the West Indies piracy is of recent date, which may explain the cause why other powers have not combined against it. By the documents communicated it will be seen that the efforts of the United States to suppress it have had a very salutary effect. The benevolent provision of the act under which the protection has been extended alike to the commerce of other nations can not fail to be duly appreciated by them.

In compliance with the act of the last session entitled "An act to abolish the United States trading establishments," agents were immediately appointed and instructed, under the direction of the Secretary of the Treasury, to close the business of the trading houses among the Indian tribes and to settle the accounts of the factors and subfactors engaged in that trade, and to execute in all other respects the injunctions of that act in the mode prescribed therein. A final report of their proceedings shall be communicated to Congress as soon as it is received.

It is with great regret I have to state that a serious malady has deprived us of many valuable citizens at Pensacola and checked the progress of some of those arrangements which are important to the Territory. This effect has been sensibly felt in respect to the Indians who inhabit that Territory, consisting of the remnants of several tribes who occupy the middle ground between St. Augustine and Pensacola, with extensive claims but undefined boundaries. Although peace is preserved with those Indians, yet their position and claims tend essentially to interrupt the intercourse between the eastern and western parts of the Territory, on which our inhabitants are principally settled. It is essential to the growth and prosperity of the Territory, as well as to the interests of the Union, that these Indians should be removed, by special compact with them, to some other position or concentrated within narrower limits where they are. With the limited means in the power of the Executive, instructions were given to the governor to accomplish this object so far as it might be practicable, which was prevented by the distressing malady referred to. To carry it fully into effect in either mode additional funds will be necessary, to the provision of which the powers of Congress alone are competent. With a view to such provision as may be deemed proper, the subject is submitted to your consideration, and in the interim further proceedings are suspended.

It appearing that so much of the act entitled "An act regulating the staff of the Army," which passed on the 14th April, 1818, as relates to the commissariat will expire in April next, and the practical operation of that department having evinced its great utility, the propriety of its renewal is submitted to your consideration.

The view which has been taken of the probable productiveness of the lead mines, connected with the importance of the material to the public defense, makes it expedient that they should be managed with peculiar care. It is therefore suggested whether it will not comport with the public interest to provide by law for the appointment of an agent skilled in mineralogy to superintend them, under the direction of the proper department.

It is understood that the Cumberland road, which was constructed at a great expense, has already suffered from the want of that regular superintendence and of those repairs which are indispensable to the preservation of such a work. This road is of incalculable advantage in facilitating the intercourse between the Western and the Atlantic States. Through it the whole country from the northern extremity of Lake Erie to the Mississippi, and from all the waters which empty into each, finds an easy and direct communication to the seat of Government, and thence to the Atlantic. The facility which it affords to all military and commercial operations, and also to those of the Post-Office Department, can not be estimated too highly. This great work is likewise an ornament and an honor to the nation. Believing that a competent power to adopt and

execute a system of internal improvement has not been granted to Congress, but that such a power, confined to great national purposes and with proper limitations, would be productive of eminent advantage to our Union, I have thought it advisable that an amendment of the Constitution to that effect should be recommended to the several States. A bill which assumed the right to adopt and execute such a system having been presented for my signature at the last session, I was compelled, from the view which I had taken of the powers of the General Government, to negative it, on which occasion I thought it proper to communicate the sentiments which I had formed, on mature consideration, on the whole subject. To that communication, in all the views in which the great interest to which it relates may be supposed to merit your attention, I have now to refer. Should Congress, however, deem it improper to recommend such an amendment, they have, according to my judgment, the right to keep the road in repair by providing for the superintendence of it and appropriating the money necessary for repairs. Surely if they had the right to appropriate money to make the road they have a right to appropriate it to preserve the road from ruin. From the exercise of this power no danger is to be apprehended. Under our happy system the people are the sole and exclusive fountain of power. Each government originates from them, and to them alone, each to its proper constituents, are they respectively and solely responsible for the faithful discharge of their duties within their constitutional limits; and that the people will confine their public agents of every station to the strict line of their constitutional duties there is no cause to doubt. Having, however, communicated my sentiments to Congress at the last session fully in the document to which I have referred, respecting the right of appropriation as distinct from the right of jurisdiction and sovereignty over the territory in question, I deem it improper to enlarge on the subject here.

From the best information that I have been able to obtain it appears that our manufactures, though depressed immediately after the peace, have considerably increased, and are still increasing, under the encouragement given them by the tariff of 1816 and by subsequent laws. Satisfied I am, whatever may be the abstract doctrine in favor of unrestricted commerce, provided all nations would concur in it and it was not liable to be interrupted by war, which has never occurred and can not be expected, that there are other strong reasons applicable to our situation and relations with other countries which impose on us the obligation to cherish and sustain our manufactures. Satisfied, however, I likewise am that the interest of every part of our Union, even of those most benefited by manufactures, requires that this subject should be touched with the greatest caution, and a critical knowledge of the effect to be produced by the slightest change. On full consideration of the subject in all its relations I am persuaded that a further augmentation may now be made of the duties on certain foreign articles in favor of our own and without

affecting injuriously any other interest. For more precise details I refer you to the communications which were made to Congress during the last session.

So great was the amount of accounts for moneys advanced during the late war, in addition to others of a previous date which in the regular operations of the Government necessarily remained unsettled, that it required a considerable length of time for their adjustment. By a report from the First Comptroller of the Treasury it appears that on the 4th of March, 1817, the accounts then unsettled amounted to $103,068,876.41, of which, on the 30th of September of the present year, $93,175,396.56 had been settled, leaving on that day a balance unsettled of $9,893,479.85. That there have been drawn from the Treasury, in paying the public debt and sustaining the Government in all its operations and disbursements, since the 4th of March, 1817, $157,199,380.96, the accounts for which have been settled to the amount of $137,501,451.12, leaving a balance unsettled of $19,697,929.84. For precise details respecting each of these balances I refer to the report of the Comptroller and the documents which accompany it.

From this view it appears that our commercial differences with France and Great Britain have been placed in a train of amicable arrangement on conditions fair and honorable in both instances to each party; that our finances are in a very productive state, our revenue being at present fully competent to all the demands upon it; that our military force is well organized in all its branches and capable of rendering the most important service in case of emergency that its number will admit of; that due progress has been made, under existing appropriations, in the construction of fortifications and in the operations of the Ordnance Department; that due progress has in like manner been made in the construction of ships of war; that our Navy is in the best condition, felt and respected in every sea in which it is employed for the protection of our commerce; that our manufactures have augmented in amount and improved in quality; that great progress has been made in the settlement of accounts and in the recovery of the balances due by individuals, and that the utmost economy is secured and observed in every Department of the Administration.

Other objects will likewise claim your attention, because from the station which the United States hold as a member of the great community of nations they have rights to maintain, duties to perform, and dangers to encounter.

A strong hope was entertained that peace would ere this have been concluded between Spain and the independent governments south of the United States in this hemisphere. Long experience having evinced the competency of those governments to maintain the independence which they had declared, it was presumed that the considerations which induced their recognition by the United States would have had equal weight with

other powers, and that Spain herself, yielding to those magnanimous feelings of which her history furnishes so many examples, would have terminated on that basis a controversy so unavailing and at the same time so destructive. We still cherish the hope that this result will not long be postponed.

Sustaining our neutral position and allowing to each party while the war continues equal rights, it is incumbent on the United States to claim of each with equal rigor the faithful observance of our rights according to the well-known law of nations. From each, therefore, a like cooperation is expected in the suppression of the piratical practice which has grown out of this war and of blockades of extensive coasts on both seas, which, considering the small force employed to sustain them, have not the slightest foundation to rest on.

Europe is still unsettled, and although the war long menaced between Russia and Turkey has not broken out, there is no certainty that the differences between those powers will be amicably adjusted. It is impossible to look to the oppressions of the country respecting which those differences arose without being deeply affected. The mention of Greece fills the mind with the most exalted sentiments and arouses in our bosoms the best feelings of which our nature is susceptible. Superior skill and refinement in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal and devotion in favor of public and personal liberty are associated with our recollections of ancient Greece. That such a country should have been overwhelmed and so long hidden, as it were, from the world under a gloomy despotism has been a cause of unceasing and deep regret to generous minds for ages past. It was natural, therefore, that the reappearance of those people in their original character, contending in favor of their liberties, should produce that great excitement and sympathy in their favor which have been so signally displayed throughout the United States. A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the earth.

A great effort has been made in Spain and Portugal to improve the condition of the people, and it must be very consoling to all benevolent minds to see the extraordinary moderation with which it has been conducted. That it may promote the happiness of both nations is the ardent wish of this whole people, to the expression of which we confine ourselves; for whatever may be the feelings or sentiments which every individual under our Government has a right to indulge and express, it is nevertheless a sacred maxim, equally with the Government and people, that the destiny of every independent nation in what relates to such improvements of right belongs and ought to be left exclusively to themselves.

Whether we reason from the late wars or from those menacing symptoms which now appear in Europe, it is manifest that if a convulsion

should take place in any of those countries it will proceed from causes which have no existence and are utterly unknown in these States, in which there is but one order, that of the people, to whom the sovereignty exclusively belongs. Should war break out in any of those countries, who can foretell the extent to which it may be carried or the desolation which it may spread? Exempt as we are from these causes, our internal tranquillity is secure; and distant as we are from the troubled scene, and faithful to first principles in regard to other powers, we might reasonably presume that we should not be molested by them. This, however, ought not to be calculated on as certain. Unprovoked injuries are often inflicted, and even the peculiar felicity of our situation might with some be a cause for excitement and aggression. The history of the late wars in Europe furnishes a complete demonstration that no system of conduct, however correct in principle, can protect neutral powers from injury from any party; that a defenseless position and distinguished love of peace are the surest invitations to war, and that there is no way to avoid it other than by being always prepared and willing for just cause to meet it. If there be a people on earth whose more especial duty it is to be at all times prepared to defend the rights with which they are blessed, and to surpass all others in sustaining the necessary burthens, and in submitting to sacrifices to make such preparations, it is undoubtedly the people of these States.

When we see that a civil war of the most frightful character rages from the Adriatic to the Black Sea; that strong symptoms of war appear in other parts, proceeding from causes which, should it break out, may become general and be of long duration; that the war still continues between Spain and the independent governments, her late Provinces, in this hemisphere; that it is likewise menaced between Portugal and Brazil, in consequence of the attempt of the latter to dismember itself from the former, and that a system of piracy of great extent is maintained in the neighboring seas, which will require equal vigilance and decision to suppress it, the reasons for sustaining the attitude which we now hold and for pushing forward all our measures of defense with the utmost vigor appear to me to acquire new force.

The United States owe to the world a great example, and, by means thereof, to the cause of liberty and humanity a generous support. They have so far succeeded to the satisfaction of the virtuous and enlightened of every country. There is no reason to doubt that their whole movement will be regulated by a sacred regard to principle, all our institutions being founded on that basis. The ability to support our own cause under any trial to which it may be exposed is the great point on which the public solicitude rests. It has been often charged against free governments that they have neither the foresight nor the virtue to provide at the proper season for great emergencies; that their course is improvident and expensive; that war will always find them unprepared, and, whatever may be

its calamities, that its terrible warnings will be disregarded and forgotten as soon as peace returns. I have full confidence that this charge so far as relates to the United States will be shewn to be utterly destitute of truth.

JAMES MONROE.

SPECIAL MESSAGES.

DECEMBER 4, 1822.

To the Senate of the United States:

The convention between the United States and France, concluded at Washington on the 24th day of June last, is now transmitted to the Senate for their advice and consent with regard to its ratification, together with the documents relating to the negotiation, which may serve to elucidate the deliberations of the Senate concerning its objects and the purposes to which it was adapted.

JAMES MONROE.

DECEMBER 4, 1822.

To the Senate of the United States:

I transmit herewith to the Senate, for their constitutional consideration and decision thereon, a convention between the United States and Great Britain, concluded at St. Petersburg on the 12th day of July last, under the mediation of His Imperial Majesty of all the Russias, together with the documents appertaining thereto, and which may elucidate the motives for its negotiation and the objects for the accomplishment of which it is intended.

JAMES MONROE.

WASHINGTON, *December 6, 1822.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 7th of May last, requiring that a plan for the peace establishment of the Navy of the United States and also of the Marine Corps should be communicated to that House at the present session, I transmit a report of the Secretary of the Navy, containing a plan which has been prepared for the proposed establishment.

JAMES MONROE.

WASHINGTON, *December 7, 1822.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 8th of May last, requesting "information relative to the copper mines on the southern shore of Lake Superior, their number, value, and position, the names of the Indian tribes who claim them, the practicability of extinguishing

their titles, and the probable advantages which may result to the Republic from the acquisition and working these mines," I herewith transmit a report from the Secretary of War, which comprises the information desired in the resolution referred to.

JAMES MONROE.

WASHINGTON, *December 9, 1822.*

To the Senate of the United States:

Recent information of the multiplied outrages and depredations which have been committed on our seamen and commerce by the pirates in the West Indies and Gulf of Mexico, exemplified by the death of a very meritorious officer, seems to call for some prompt and decisive measures on the part of the Government. All the public vessels adapted to that service which can be spared from other indispensable duties are already employed in it; but from the knowledge which has been acquired of the places from whence these outlaws issue and to which they escape from danger it appears that it will require a particular kind of force, capable of pursuing them into the shallow waters to which they retire, effectually to suppress them. I submit to the consideration of the Senate the propriety of organizing such force for that important object.

JAMES MONROE.

[The same message, dated December 6, 1822, was sent to the House of Representatives.]

WASHINGTON, *December 9, 1822.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 22d of February last, "requesting the President of the United States to cause to be collected and communicated to the Senate at the commencement of the next session of Congress the best information which he may be able to obtain relative to certain Christian Indians and the lands intended for their benefit on the Muskingum, in the State of Ohio, granted under an act of Congress of June 1, 1796, to the Society of the United Brethren for Propagating the Gospel among the Heathen, showing as correctly as possible the advance or decline of said Indians in numbers, morals, and intellectual endowments; whether the lands have inured to their sole benefit, and, if not, to whom, in whole or in part, have such benefits accrued," I transmit a report from the Secretary of War with the accompanying documents.

JAMES MONROE.

WASHINGTON, *January 3, 1823.*

To the Senate of the United States:

In compliance with the three resolutions of the Senate of the 5th April, 1822, requesting the President of the United States to communicate in

detail the expenses of building each vessel of war authorized by the act of the 2d of January, 1813, and its supplements, and also the names, number, grade, etc., of the officers and men employed at each navy-yard and naval station during the two years immediately preceding the 1st of January, 1822, I herewith transmit a report from the Secretary of the Navy, with the accompanying documents, which contains the desired information.

JAMES MONROE.

WASHINGTON, *January 3, 1823.*

To the House of Representatives of the United States:

In compliance with the resolutions of the House of Representatives of the 8th of January, 7th May, and 17th December, 1822, requesting the President of the United States to cause to be laid before that House a detailed statement of the current expenses of the Ordnance Department for the years 1817, 1818, 1819, 1820, and 1821, and as much as can be shewn for the year 1822, and also the number and local position of each of the armories, arsenals, and magazines of the United States, the total expense of constructing and repairing the same up to the year 1821; the number of cannon and other arms annually made at each, and the expenses of each armory and arsenal for each year from 1816 to 1821, inclusive, I herewith transmit a report from the Secretary of War, accompanied by such documents as will be found to contain the desired information.

JAMES MONROE.

WASHINGTON, *January 3, 1823.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the United States of the 19th of December, 1822, requesting the President of the United States to cause to be laid before that House the several laws which have been made by the governor and legislative council of Florida, together with such information as may be in the possession of the Executive, I herewith transmit a report from the Secretary of State, with the accompanying documents, which contains the information desired.

JAMES MONROE.

WASHINGTON, *January 6, 1823.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 19th of December last, requesting the President of the United States to communicate to the House the progress which has been made in the

execution of the act of the last session entitled "An act to abolish the Indian trading establishments," with a report from the factories, respectively, as the same were made to him, I transmit a report from the Secretary of the Treasury, with the documents referred to by that resolution. In further execution of the act of the last session treaties have since been made with the Osage and Sac Indians by which those tribes have severally relinquished to the United States their right under preceding treaties to the maintenance of a factory within each, respectively.

JAMES MONROE.

JANUARY 6, 1823.

To the Senate:

I transmit to the Senate, for their advice and consent as to the ratification, treaties which have been made with the Osage and Sac tribes of Indians in execution of the provision contained in the act of the last session entitled "An act to abolish the Indian trading establishments."

JAMES MONROE.

WASHINGTON, *January 10, 1823.*

To the Senate of the United States:

In compliance with a resolution of the Senate requesting the President of the United States "to cause to be laid before the Senate the number of arms required annually to supply the militia of the West according to acts of Congress; the probable number necessary to be placed in military deposits located or to be located on the Western waters; the cost of transportation of arms to the Western States and deposits; the probable cost of manufacturing arms in the West; the probable cost of erecting at this time on the Western waters such an armory as that at Harpers Ferry or at Springfield, and such other information as he may deem important to establish the expediency of erecting on the Western waters a national armory," I herewith transmit a report from the Secretary of War containing the desired information.

JAMES MONROE.

WASHINGTON, *January 16, 1823.*

THE VICE-PRESIDENT OF THE UNITED STATES AND PRESIDENT OF THE SENATE:

The convention concluded and signed at St. Petersburg on the 21st of July last under the mediation of His Imperial Majesty the Emperor of all the Russias having been ratified by the three powers parties thereto, and the ratifications of the same having been duly exchanged, copies of it are now communicated to Congress, to the end that the measures for carrying it on the part of the United States into execution may obtain the cooper-

ation of the Legislature necessary to the accomplishment of some of its provisions. A translation is subjoined of three explanatory documents, in the French language, referred to in the fourth article of the convention and annexed to it. The agreement executed at the exchange of the ratifications is likewise communicated.

JAMES MONROE.

[The same message was addressed to the Speaker of the House of Representatives.]

JANUARY 22, 1823.

To the Senate of the United States:

In compliance with a resclution of December 12, 1822, requesting that the President would cause to be laid before the Senate a statement exhibiting the amount in aggregate of the goods, wares, and merchandise exported from the United States to France, and imported from thence, in each year from and after the year 1814 to the year 1820, discriminating in the reports between the articles of the growth, produce, or manufacture of the United States and those of foreign countries, and also stating the national character of the vessels in which such exports and imports have been made, I transmit a report from the Secretary of the Treasury, which contains the information desired.

JAMES MONROE.

JANUARY 22, 1823.

To the Senate and House of Representatives:

In carrying fully into effect the intention of Congress in making an appropriation of $5,000 by the act of the 14th April, 1820, for the survey of the Ohio and the Mississippi rivers from the Rapids of the Ohio at Louisville to the Balize, for the purpose of facilitating and ascertaining the most practicable route of improving the navigation of these rivers, orders were given through the proper department to the Board of Engineers to examine and survey the said rivers with reference to those objects, and to report their opinion thereon, which they have done, and which report I now communicate for the information of Congress.

JAMES MONROE.

WASHINGTON, *January 25, 1823.*

To the House of Representatives:

I transmit herewith to the House of Representatives a report from the Secretary of State, together with the documents which contain the information requested by the resolution of the House of the 19th of December last, relating to the establishment at the mouth of Columbia River.

JAMES MONROE.

To the Senate and House of Representatives of the United States:

I transmit herewith a letter from the Secretary of the Navy, containing one from Captain John Rodgers, president of the Naval Board, accompanied by a description of the inclined plane, dock, and fixtures for hauling up ships, and an estimate of the cost and materials and workmanship necessary for the completion of a dock and wharves, proposed to be connected with the inclined plane constructed at the navy-yard, Washington, and recommend the same to the attentive consideration of Congress.

It is confidently believed that this invention combines advantages so highly useful as to justify the appropriation required.

JANUARY 28, 1823. JAMES MONROE.

FEBRUARY 3, 1823.

To the Senate of the United States:

Having lately received a memorial from the legislative council of the Territory of Florida on subjects very interesting to the inhabitants of the Territory and also to the United States, which require legislative provision, I transmit the same to Congress and recommend it to their consideration.

JAMES MONROE.

[The same message was addressed to the Speaker of the House of Representatives.]

WASHINGTON, *February 3, 1823.*

To the Senate and House of Representatives of the United States:

I transmit herewith a resolution of the legislature, with an extract of a letter from the governor, of Georgia, and a memorial of the legislature of Missouri, relative to the extinguishment of the Indian title to lands within the limits of these States, respectively. Believing the present time to be propitious for holding treaties for the attainment of cessions of land from the Indians within those States, I submit the subject to the consideration of Congress, that adequate appropriations for such treaties may be made should Congress deem it expedient.

JAMES MONROE.

FEBRUARY 4, 1823.

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 12th of December last, requesting the President "to communicate to the House such information as he might possess with regard to any

expedition prepared in the United States and having sailed from thence within the year 1822 against the territory or dependency of any power in amity with the United States, and to inform the House whether any measures have been taken to bring to condign punishment persons who have been concerned in such expedition contrary to the laws," I transmit to the House reports from the Secretaries of State and of the Treasury, with the documents mentioned in each. Those documents contain all the information in possession of the Executive relating to the subject of the resolution.

That a force of a very limited extent has been equipped in the ports of the United States and sailed from thence for the purpose described in the resolution is manifest from the documents now communicated. The reports from the collectors of Philadelphia and New York will shew in what manner this equipment escaped their notice.

The first information of this equipment was received from St. Bartholomews, the place of its rendezvous. This was confirmed afterwards from Curracoa with an account of its failure. Should any of those persons return within the jurisdiction of the United States care will be taken that the laws applicable to such offenses are duly enforced against them. Whether any aid was afforded by others to the parties engaged in this unlawful and contemptible adventure in the ports in which it was planned, inconsistent with ordinary commercial transactions and contrary to the laws of the United States, will be referred to the Attorney-General, on whose advice any measures in regard to them will depend.

JAMES MONROE.

FEBRUARY 6, 1823.

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 28th of January last, requesting information "whether the treaty concluded with the Choctaw Nation of Indians on the 18th of October, 1820, has been executed so far as respects the cession of certain lands to said nation west of the river Mississippi, and if possession has been given of the lands ceded to them; if not, that he assign the reasons which prevented the immediate execution of the stipulations of said treaty, and whether the difficulties have diminished or increased by the delay in its execution," I communicate a report from the Secretary of War, with the documents referred to in it.

JAMES MONROE.

FEBRUARY 10, 1823.

To the Senate of the United States:

In compliance with a resolution of the Senate of February 3, requesting a statement of the number and size of cannon, mortars, and howitzers

necessary for the armament of the fortifications already built and intended to be built, with an estimate of the sum necessary for their construction, I transmit a report from the Secretary of War, prepared in execution of instructions given him to that effect.

JAMES MONROE.

WASHINGTON, *February 13, 1823.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of 22d January last, requesting the communication to the House of all the correspondence between the Governments of the United States and Great Britain relating to the negotiation of the convention of the 20th October, 1818, which may not be inconsistent with the public interest, I transmit herewith to the House a report from the Secretary of State, together with the papers requested by the resolution of the House.

JAMES MONROE.

FEBRUARY 14, 1823.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 11th of this month, requesting the President to cause to be communicated to the Senate an estimate of the amount of land in the State of Georgia to which the Indian title has been extinguished by the United States since the cession of a portion of the territory of Georgia to the United States, with a statement of the cost of such extinguishment, and also an estimate of the amount of land within the said State to which the Indian title still remains to be extinguished, and by what tribes claimed, I transmit a report from the Secretary of War, which contains the information desired.

JAMES MONROE.

FEBRUARY 17, 1823.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 17th of December, requesting the President to communicate to the House a statement of the amount expended for the current expenses of the Ordnance Department during the years 1817, 1818, 1819, 1820, and 1821, and as much as can be shewn for the year 1822, with the items for which the money was expended, the place where and the persons to whom paid, what quantity of timber has been procured for gun carriages and caissons, its cost annually, and where deposited; the quantity of ordnance of every kind that has been procured during those years or paid for, and the whole amount of arms of every description now belonging to the

United States; the sum expended in the purchase of sites for arsenals since the peace, the cost of the buildings erected thereon, and whether all those arsenals are necessary for the service of the United States, I transmit a report from the Secretary of War, with the documents mentioned therein, which contains the information desired.

JAMES MONROE.

WASHINGTON, *February 18, 1823.*

The VICE-PRESIDENT OF THE UNITED STATES AND PRESIDENT OF THE SENATE:

The convention of navigation and commerce between the United States of America and His Majesty the King of France and Navarre, concluded and signed at Washington on the 24th of June, 1822, with the first separate article thereto annexed, having been ratified by the two parties, and the ratifications of the same having been duly exchanged, copies of it and of the separate article referred to are now communicated to the two Houses of Congress, to the end that the necessary measures for carrying it into execution on the part of the United States may be adopted by the Legislature.

JAMES MONROE.

[The same message was sent to the House of Representatives.]

FEBRUARY 19, 1823.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 11th of December last, I transmit to the House a report from the Secretary of the Treasury, containing the information requested, of the amount of moneys advanced to agents, subagents, contractors, subcontractors, or individuals since the 1st of January, 1817, which have not been accounted for on settlement, and of the loss sustained in each case, the sureties taken, and the names of the sureties.

JAMES MONROE.

WASHINGTON, *February 19, 1823.*

To the House of Representatives of the United States:

I transmit to the House of Representatives, in pursuance of a resolution of that House of the 31st of last month, a report from the Secretary of State, relative to the commissioners appointed for the purpose of ascertaining the titles and claims to land in Florida.

JAMES MONROE.

FEBRUARY 19, 1823.

To the House of Representatives of the United States:

I transmit to the House of Representatives an additional report from the Secretary of the Treasury, with the documents referred to therein, containing further information of the proceedings in execution of the law of the last session respecting the trade with the Indian tribes, called for by the resolution of the 19th of December last.

JAMES MONROE.

FEBRUARY 22, 1823.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 11th of this month, requesting information whether any prize agents have neglected to render an account of their agency and to pay over the money in their hands, the names of those who have failed, the sums unaccounted for, and whether any of those thus failing are in the employ of the Government, and their compensation has been in consequence suspended, I transmit a report from the Secretary of the Navy, with the documents referred to by him.

JAMES MONROE.

To the Congress of the United States: FEBRUARY 25, 1823.

I transmit to Congress the general returns of the militia of the several States and Territories for the year 1822, with an account of the arms, accouterments, ammunition, ordnance, etc., belonging to each as far as the returns have been received, in compliance with the provision of the act of 1803.

JAMES MONROE.

To the Senate of the United States: FEBRUARY 25, 1823.

By a resolution of the 27th of December last the President of the United States was requested to communicate to the Senate such information as he might possess respecting the political state of the island of St. Domingo; whether the Government thereof was claimed by any European nation, what our commercial relations with the Government of the island were, and whether any further commercial relations with that Government would be consistent with the interest and safety of the United States.

From the import of the resolution it is inferred that the Senate were fully aware of the delicate and interesting nature of the subject embraced by it in all its branches. The call supposes something peculiar in the nature of the Government of that island and in the character of its population, to which attention is due. Impressed always with an anxious

desire to meet every call of either House for information, I most willingly comply in this instance and with a view to the particular circumstances alluded to.

In adverting to the political state of St. Domingo I have to observe that the whole island is now united under one Government, under a constitution which retains the sovereignty in the hands of the people of color, and with provisions which prohibit the employment in the Government of all white persons who have emigrated there since 1816, or who may hereafter emigrate there, and which prohibit also the acquisition by such persons of the right of citizenship or to real estate in the island. In the exercise of this sovereignty the Government has not been molested by any European power. No invasion of the island has been made or attempted by any power. It is, however, understood that the relations between the Government of France and the island have not been adjusted, that its independence has not been recognized by France, nor has peace been formally established between the parties.

The establishment of a Government of people of color in the island on the principles above stated evinces distinctly the idea of a separate interest and a distrust of other nations. Had that jealousy been confined to the inhabitants of the parent country it would have been less an object of attention; but by extending it to the inhabitants of other countries with whom no difference ever existed the policy assumes a character which does not admit of a like explanation. To what extent that spirit may be indulged or to what purposes applied our experience has yet been too limited to enable us to form a just estimate. These are inquiries more peculiarly interesting to the neighboring islands. They nevertheless deserve the attention of the United States.

Between the United States and the island a commercial intercourse exists, and it will continue to be the object of this Government to promote it. Our commerce there has been subjected to higher duties than have been imposed on like articles from some other nations. It has nevertheless been extensive, proceeding from the wants of the respective parties and the enterprise of our citizens. Of this discrimination to our injury we had a right to complain and have complained. It is expected that our commercial intercourse with the island will be placed on the footing of the most favored nation. No preference is sought in our favor, nor ought any to be given to others. Regarding the high interest of our happy Union and looking to every circumstance which may by any possibility affect the tranquillity of any part, however remotely, and guarding against such injury by suitable precautions, it is the duty of this Government to promote by all the means in its power and by a fair and honorable policy the best interest of every other part, and thereby of the whole. Feeling profoundly the force of this obligation, I shall continue to exert with unwearied zeal my best faculties to give it effect.

JAMES MONROE.

WASHINGTON, *February 26, 1823.*

To the House of Representatives of the United States:

I transmit to the House of Representatives, in pursuance of a resolution of that House of the 30th January last, a report from the Secretary of State, containing the information required in relation to the transactions of the commissioners under the sixth and seventh articles of the treaty of Ghent, and also as to the measures which have been taken under the fourth article of the treaty with Spain of the 22d of February, 1819, for fixing the boundary line described in the third article of the last-mentioned treaty.

JAMES MONROE.

WASHINGTON, *February 27, 1823.*

To the House of Representatives:

I transmit to the House of Representatives a report from the Secretary of State, made in pursuance of their resolution of the 21st of January last, requesting the President of the United States to cause to be arranged and laid before that House a digest shewing such changes in the commercial regulations of the different foreign countries with which the United States have intercourse as shall have been adopted and come to the knowledge of the Executive subsequently to the formation of the digest communicated to the Senate on the 7th December, 1819.

JAMES MONROE.

WASHINGTON, *February 28, 1823.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with copies of sundry papers which should have been included among those which accompanied my message of the 13th instant, being part of the correspondence with Great Britain relating to the negotiation of the convention of 20th of October, 1818, but which were accidentally omitted from the papers communicated to the House with that message.

JAMES MONROE.

WASHINGTON, *February 28, 1823.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 24th of January, requesting the President to communicate to the House the number of persons and the amount due from each whose compensation has been withheld or suspended, in pursuance of the law prohibiting payments to persons in arrears to the United States; whether the amount withheld has been applied in all cases to the extinguishment of their debts to the Government; whether the said laws have been enforced in

all cases against securities who are liable for the payment of any arrears due; whether any disbursing officer, within the knowledge of the President, has given conclusive evidence of his insolvency, and, if so, whether he is still retained in the service of the United States, I transmit to the House a report from the Secretary of the Treasury, with the documents mentioned therein.

The report has been confined to the operations of the law. Respecting the circumstances of individuals in their transactions without the sphere of their public duties I have no means of information other than those which are common to all.

JAMES MONROE.

WASHINGTON, *March 1, 1823.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of this day, requesting information of the measures taken with regard to the illegal blockade of the ports of the Spanish Main, and to depredations of privateers fitted out from Porto Rico and other Spanish islands on the commerce of the United States, I transmit to the House a report from the Secretary of State containing the information required by the resolution.

JAMES MONROE.

SEVENTH ANNUAL MESSAGE.

WASHINGTON, *December 2, 1823.*

Fellow-Citizens of the Senate and House of Representatives:

Many important subjects will claim your attention during the present session, of which I shall endeavor to give, in aid of your deliberations, a just idea in this communication. I undertake this duty with diffidence, from the vast extent of the interests on which I have to treat and of their great importance to every portion of our Union. I enter on it with zeal from a thorough conviction that there never was a period since the establishment of our Revolution when, regarding the condition of the civilized world and its bearing on us, there was greater necessity for devotion in the public servants to their respective duties, or for virtue, patriotism, and union in our constituents.

Meeting in you a new Congress, I deem it proper to present this view of public affairs in greater detail than might otherwise be necessary. I do it, however, with peculiar satisfaction, from a knowledge that in this respect I shall comply more fully with the sound principles of our

Government. The people being with us exclusively the sovereign, it is indispensable that full information be laid before them on all important subjects, to enable them to exercise that high power with complete effect. If kept in the dark, they must be incompetent to it. We are all liable to error, and those who are engaged in the management of public affairs are more subject to excitement and to be led astray by their particular interests and passions than the great body of our constituents, who, living at home in the pursuit of their ordinary avocations, are calm but deeply interested spectators of events and of the conduct of those who are parties to them. To the people every department of the Government and every individual in each are responsible, and the more full their information the better they can judge of the wisdom of the policy pursued and of the conduct of each in regard to it. From their dispassionate judgment much aid may always be obtained, while their approbation will form the greatest incentive and most gratifying reward for virtuous actions, and the dread of their censure the best security against the abuse of their confidence. Their interests in all vital questions are the same, and the bond, by sentiment as well as by interest, will be proportionably strengthened as they are better informed of the real state of public affairs, especially in difficult conjunctures. It is by such knowledge that local prejudices and jealousies are surmounted, and that a national policy, extending its fostering care and protection to all the great interests of our Union, is formed and steadily adhered to.

A precise knowledge of our relations with foreign powers as respects our negotiations and transactions with each is thought to be particularly necessary. Equally necessary is it that we should form a just estimate of our resources, revenue, and progress in every kind of improvement connected with the national prosperity and public defense. It is by rendering justice to other nations that we may expect it from them. It is by our ability to resent injuries and redress wrongs that we may avoid them.

The commissioners under the fifth article of the treaty of Ghent, having disagreed in their opinions respecting that portion of the boundary between the Territories of the United States and of Great Britain the establishment of which had been submitted to them, have made their respective reports in compliance with that article, that the same might be referred to the decision of a friendly power. It being manifest, however, that it would be difficult, if not impossible, for any power to perform that office without great delay and much inconvenience to itself, a proposal has been made by this Government, and acceded to by that of Great Britain, to endeavor to establish that boundary by amicable negotiation. It appearing from long experience that no satisfactory arrangement could be formed of the commercial intercourse between the United States and the British colonies in this hemisphere by legislative acts while each party pursued its own course without agreement or concert with the other, a proposal has been made to the British Government to regulate this com-

merce by treaty, as it has been to arrange in like manner the just claim of the citizens of the United States inhabiting the States and Territories bordering on the lakes and rivers which empty into the St. Lawrence to the navigation of that river to the ocean. For these and other objects of high importance to the interests of both parties a negotiation has been opened with the British Government which it is hoped will have a satisfactory result.

The commissioners under the sixth and seventh articles of the treaty of Ghent having successfully closed their labors in relation to the sixth, have proceeded to the discharge of those relating to the seventh. Their progress in the extensive survey required for the performance of their duties justifies the presumption that it will be completed in the ensuing year.

The negotiation which had been long depending with the French Government on several important subjects, and particularly for a just indemnity for losses sustained in the late wars by the citizens of the United States under unjustifiable seizures and confiscations of their property, has not as yet had the desired effect. As this claim rests on the same principle with others which have been admitted by the French Government, it is not perceived on what just ground it can be rejected. A minister will be immediately appointed to proceed to France and resume the negotiation on this and other subjects which may arise between the two nations.

At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg to arrange by amicable negotiation the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by His Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous by this friendly proceeding of manifesting the great value which they have invariably attached to the friendship of the Emperor and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise and in the arrangements by which they may terminate the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

Since the close of the last session of Congress the commissioners and arbitrators for ascertaining and determining the amount of indemnification which may be due to citizens of the United States under the decision of His Imperial Majesty the Emperor of Russia, in conformity to the convention concluded at St. Petersburg on the 12th of July, 1822, have assembled in this city, and organized themselves as a board for the

performance of the duties assigned to them by that treaty. The commission constituted under the eleventh article of the treaty of the 22d of February, 1819, between the United States and Spain is also in session here, and as the term of three years limited by the treaty for the execution of the trust will expire before the period of the next regular meeting of Congress, the attention of the Legislature will be drawn to the measures which may be necessary to accomplish the objects for which the commission was instituted.

In compliance with a resolution of the House of Representatives adopted at their last session, instructions have been given to all the ministers of the United States accredited to the powers of Europe and America to propose the proscription of the African slave trade by classing it under the denomination, and inflicting on its perpetrators the punishment, of piracy. Should this proposal be acceded to, it is not doubted that this odious and criminal practice will be promptly and entirely suppressed. It is earnestly hoped that it will be acceded to, from the firm belief that it is the most effectual expedient that can be adopted for the purpose.

At the commencement of the recent war between France and Spain it was declared by the French Government that it would grant no commissions to privateers, and that neither the commerce of Spain herself nor of neutral nations should be molested by the naval force of France, except in the breach of a lawful blockade. This declaration, which appears to have been faithfully carried into effect, concurring with principles proclaimed and cherished by the United States from the first establishment of their independence, suggested the hope that the time had arrived when the proposal for adopting it as a permanent and invariable rule in all future maritime wars might meet the favorable consideration of the great European powers. Instructions have accordingly been given to our ministers with France, Russia, and Great Britain to make those proposals to their respective Governments, and when the friends of humanity reflect on the essential amelioration to the condition of the human race which would result from the abolition of private war on the sea and on the great facility by which it might be accomplished, requiring only the consent of a few sovereigns, an earnest hope is indulged that these overtures will meet with an attention animated by the spirit in which they were made, and that they will ultimately be successful.

The ministers who were appointed to the Republics of Colombia and Buenos Ayres during the last session of Congress proceeded shortly afterwards to their destinations. Of their arrival there official intelligence has not yet been received. The minister appointed to the Republic of Chile will sail in a few days. An early appointment will also be made to Mexico. A minister has been received from Colombia, and the other Governments have been informed that ministers, or diplomatic agents of inferior grade, would be received from each, accordingly as they might prefer the one or the other.

The minister appointed to Spain proceeded soon after his appointment for Cadiz, the residence of the Sovereign to whom he was accredited. In approaching that port the frigate which conveyed him was warned off by the commander of the French squadron by which it was blockaded and not permitted to enter, although apprised by the captain of the frigate of the public character of the person whom he had on board, the landing of whom was the sole object of his proposed entry. This act, being considered an infringement of the rights of ambassadors and of nations, will form a just cause of complaint to the Government of France against the officer by whom it was committed.

The actual condition of the public finances more than realizes the favorable anticipations that were entertained of it at the opening of the last session of Congress. On the 1st of January there was a balance in the Treasury of $4,237,427.55. From that time to the 30th September the receipts amounted to upward of $16,100,000, and the expenditures to $11,400,000. During the fourth quarter of the year it is estimated that the receipts will at least equal the expenditures, and that there will remain in the Treasury on the 1st day of January next a surplus of nearly $9,000,000.

On the 1st of January, 1825, a large amount of the war debt and a part of the Revolutionary debt become redeemable. Additional portions of the former will continue to become redeemable annually until the year 1835. It is believed, however, that if the United States remain at peace the whole of that debt may be redeemed by the ordinary revenue of those years during that period under the provision of the act of March 3, 1817, creating the sinking fund, and in that case the only part of the debt that will remain after the year 1835 will be the $7,000,000 of 5 per cent stock subscribed to the Bank of the United States, and the 3 per cent Revolutionary debt, amounting to $13,296,099.06, both of which are redeemable at the pleasure of the Government.

The state of the Army in its organization and discipline has been gradually improving for several years, and has now attained a high degree of perfection. The military disbursements have been regularly made and the accounts regularly and promptly rendered for settlement. The supplies of various descriptions have been of good quality, and regularly issued at all of the posts. A system of economy and accountability has been introduced into every branch of the service which admits of little additional improvement. This desirable state has been attained by the act reorganizing the staff of the Army, passed on the 14th of April, 1818.

The moneys appropriated for fortifications have been regularly and economically applied, and all the works advanced as rapidly as the amount appropriated would admit. Three important works will be completed in the course of this year—that is, Fort Washington, Fort Delaware, and the fort at the Rigolets, in Louisiana.

The Board of Engineers and the Topographical Corps have been in

constant and active service in surveying the coast and projecting the works necessary for its defense.

The Military Academy has attained a degree of perfection in its discipline and instruction equal, as is believed, to any institution of its kind in any country.

The money appropriated for the use of the Ordnance Department has been regularly and economically applied. The fabrication of arms at the national armories and by contract with the Department has been gradually improving in quality and cheapness. It is believed that their quality is now such as to admit of but little improvement.

The completion of the fortifications renders it necessary that there should be a suitable appropriation for the purpose of fabricating the cannon and carriages necessary for those works.

Under the appropriation of $5,000 for exploring the Western waters for the location of a site for a Western armory, a commission was constituted, consisting of Colonel McRee, Colonel Lee, and Captain Talcott, who have been engaged in exploring the country. They have not yet reported the result of their labors, but it is believed that they will be prepared to do it at an early part of the session of Congress.

During the month of June last General Ashley and his party, who were trading under a license from the Government, were attacked by the Ricarees while peaceably trading with the Indians at their request. Several of the party were killed and wounded and their property taken or destroyed.

Colonel Leavenworth, who commanded Fort Atkinson, at the Council Bluffs, the most western post, apprehending that the hostile spirit of the Ricarees would extend to other tribes in that quarter, and that thereby the lives of the traders on the Missouri and the peace of the frontier would be endangered, took immediate measures to check the evil.

With a detachment of the regiment stationed at the Bluffs he successfully attacked the Ricaree village, and it is hoped that such an impression has been made on them as well as on the other tribes on the Missouri as will prevent a recurrence of future hostility.

The report of the Secretary of War, which is herewith transmitted, will exhibit in greater detail the condition of the Department in its various branches, and the progress which has been made in its administration during the three first quarters of the year.

I transmit a return of the militia of the several States according to the last reports which have been made by the proper officers in each to the Department of War. By reference to this return it will be seen that it is not complete, although great exertions have been made to make it so. As the defense and even the liberties of the country must depend in times of imminent danger on the militia, it is of the highest importance that it be well organized, armed, and disciplined throughout the Union. The report of the Secretary of War shews the progress made during the three

first quarters of the present year by the application of the fund appropriated for arming the militia. Much difficulty is found in distributing the arms according to the act of Congress providing for it from the failure of the proper departments in many of the States to make regular returns. The act of May 12, 1820, provides that the system of tactics and regulations of the various corps of the Regular Army shall be extended to the militia. This act has been very imperfectly executed from the want of uniformity in the organization of the militia, proceeding from the defects of the system itself, and especially in its application to that main arm of the public defense. It is thought that this important subject in all its branches merits the attention of Congress.

The report of the Secretary of the Navy, which is now communicated, furnishes an account of the administration of that Department for the three first quarters of the present year, with the progress made in augmenting the Navy, and the manner in which the vessels in commission have been employed.

The usual force has been maintained in the Mediterranean Sea, the Pacific Ocean, and along the Atlantic coast, and has afforded the necessary protection to our commerce in those seas.

In the West Indies and the Gulf of Mexico our naval force has been augmented by the addition of several small vessels provided for by the "act authorizing an additional naval force for the suppression of piracy," passed by Congress at their last session. That armament has been eminently successful in the accomplishment of its object. The piracies by which our commerce in the neighborhood of the island of Cuba had been afflicted have been repressed and the confidence of our merchants in a great measure restored.

The patriotic zeal and enterprise of Commodore Porter, to whom the command of the expedition was confided, has been fully seconded by the officers and men under his command. And in reflecting with high satisfaction on the honorable manner in which they have sustained the reputation of their country and its Navy, the sentiment is alloyed only by a concern that in the fulfillment of that arduous service the diseases incident to the season and to the climate in which it was discharged have deprived the nation of many useful lives, and among them of several officers of great promise.

In the month of August a very malignant fever made its appearance at Thompsons Island, which threatened the destruction of our station there. Many perished, and the commanding officer was severely attacked. Uncertain as to his fate and knowing that most of the medical officers had been rendered incapable of discharging their duties, it was thought expedient to send to that post an officer of rank and experience, with several skillful surgeons, to ascertain the origin of the fever and the probability of its recurrence there in future seasons; to furnish every assistance to those who were suffering, and, if practicable, to avoid the

necessity of abandoning so important a station. Commodore Rodgers, with a promptitude which did him honor, cheerfully accepted that trust, and has discharged it in the manner anticipated from his skill and patriotism. Before his arrival Commodore Porter, with the greater part of the squadron, had removed from the island and returned to the United States in consequence of the prevailing sickness. Much useful information has, however, been obtained as to the state of the island and great relief afforded to those who had been necessarily left there.

Although our expedition, cooperating with an invigorated administration of the government of the island of Cuba, and with the corresponding active exertions of a British naval force in the same seas, have almost entirely destroyed the unlicensed piracies from that island, the success of our exertions has not been equally effectual to suppress the same crime, under other pretenses and colors, in the neighboring island of Porto Rico. They have been committed there under the abusive issue of Spanish commissions. At an early period of the present year remonstrances were made to the governor of that island, by an agent who was sent for the purpose, against those outrages on the peaceful commerce of the United States, of which many had occurred. That officer, professing his own want of authority to make satisfaction for our just complaints, answered only by a reference of them to the Government of Spain. The minister of the United States to that court was specially instructed to urge the necessity of the immediate and effectual interposition of that Government, directing restitution and indemnity for wrongs already committed and interdicting the repetition of them. The minister, as has been seen, was debarred access to the Spanish Government, and in the meantime several new cases of flagrant outrage have occurred, and citizens of the United States in the island of Porto Rico have suffered, and others been threatened with assassination for asserting their unquestionable rights even before the lawful tribunals of the country.

The usual orders have been given to all our public ships to seize American vessels engaged in the slave trade and bring them in for adjudication, and I have the gratification to state that not one so employed has been discovered, and there is good reason to believe that our flag is now seldom, if at all, disgraced by that traffic.

It is a source of great satisfaction that we are always enabled to recur to the conduct of our Navy with pride and commendation. As a means of national defense it enjoys the public confidence, and is steadily assuming additional importance. It is submitted whether a more efficient and equally economical organization of it might not in several respects be effected. It is supposed that higher grades than now exist by law would be useful. They would afford well-merited rewards to those who have long and faithfully served their country, present the best incentives to good conduct, and the best means of insuring a proper discipline; destroy the inequality in that respect between military and naval services, and

relieve our officers from many inconveniences and mortifications which occur when our vessels meet those of other nations, ours being the only service in which such grades do not exist.

A report of the Postmaster-General, which accompanies this communication, will shew the present state of the Post-Office Department and its general operations for some years past.

There is established by law 88,600 miles of post-roads, on which the mail is now transported 85,700 miles, and contracts have been made for its transportation on all the established routes, with one or two exceptions. There are 5,240 post-offices in the Union, and as many postmasters. The gross amount of postage which accrued from the 1st July, 1822, to the 1st July, 1823, was $1,114,345.12. During the same period the expenditures of the Post-Office Department amounted to $1,169,885.51, and consisted of the following items, viz: Compensation to postmasters, $353,995.98; incidental expenses, $30,866.37; transportation of the mail, $784,600.08; payments into the Treasury, $423.08. On the 1st of July last there was due to the Department from postmasters $135,245.28; from *late* postmasters and contractors, $256,749.31; making a total amount of balances due to the Department of $391,994.59. These balances embrace all delinquencies of postmasters and contractors which have taken place since the organization of the Department. There was due by the Department to contractors on the 1st of July last $26,548.64.

The transportation of the mail within five years past has been greatly extended, and the expenditures of the Department proportionably increased. Although the postage which has accrued within the last three years has fallen short of the expenditures $262,821.46, it appears that collections have been made from the outstanding balances to meet the principal part of the current demands.

It is estimated that not more than $250,000 of the above balances can be collected, and that a considerable part of this sum can only be realized by a resort to legal process. Some improvement in the receipts for postage is expected. A prompt attention to the collection of moneys received by postmasters, it is believed, will enable the Department to continue its operations without aid from the Treasury, unless the expenditures shall be increased by the establishment of new mail routes.

A revision of some parts of the post-office law may be necessary; and it is submitted whether it would not be proper to provide for the appointment of postmasters, where the compensation exceeds a certain amount, by nomination to the Senate, as other officers of the General Government are appointed.

Having communicated my views to Congress at the commencement of the last session respecting the encouragement which ought to be given to our manufactures and the principle on which it should be founded, I have only to add that those views remain unchanged, and that the present state of those countries with which we have the most immediate political

relations and greatest commercial intercourse tends to confirm them. Under this impression I recommend a review of the tariff for the purpose of affording such additional protection to those articles which we are prepared to manufacture, or which are more immediately connected with the defense and independence of the country.

The actual state of the public accounts furnishes additional evidence of the efficiency of the present system of accountability in relation to the public expenditure. Of the moneys drawn from the Treasury since the 4th March, 1817, the sum remaining unaccounted for on the 30th of September last is more than a million and a half of dollars less than on the 30th of September preceding; and during the same period a reduction of nearly a million of dollars has been made in the amount of the unsettled accounts for moneys advanced previously to the 4th of March, 1817. It will be obvious that in proportion as the mass of accounts of the latter description is diminished by settlement the difficulty of settling the residue is increased from the consideration that in many instances it can be obtained only by legal process. For more precise details on this subject I refer to a report from the First Comptroller of the Treasury.

The sum which was appropriated at the last session for the repairs of the Cumberland road has been applied with good effect to that object. A final report has not yet been received from the agent who was appointed to superintend it. As soon as it is received it shall be communicated to Congress.

Many patriotic and enlightened citizens who have made the subject an object of particular investigation have suggested an improvement of still greater importance. They are of opinion that the waters of the Chesapeake and Ohio may be connected together by one continued canal, and at an expense far short of the value and importance of the object to be obtained. If this could be accomplished it is impossible to calculate the beneficial consequences which would result from it. A great portion of the produce of the very fertile country through which it would pass would find a market through that channel. Troops might be moved with great facility in war, with cannon and every kind of munition, and in either direction. Connecting the Atlantic with the Western country in a line passing through the seat of the National Government, it would contribute essentially to strengthen the bond of union itself. Believing as I do that Congress possess the right to appropriate money for such a national object (the jurisdiction remaining to the States through which the canal would pass), I submit it to your consideration whether it may not be advisable to authorize by an adequate appropriation the employment of a suitable number of the officers of the Corps of Engineers to examine the unexplored ground during the next season and to report their opinion thereon. It will likewise be proper to extend their examination to the several routes through which the waters of the Ohio may be connected by canals with those of Lake Erie.

As the Cumberland road will require annual repairs, and Congress have not thought it expedient to recommend to the States an amendment to the Constitution for the purpose of vesting in the United States a power to adopt and execute a system of internal improvement, it is also submitted to your consideration whether it may not be expedient to authorize the Executive to enter into an arrangement with the several States through which the road passes to establish tolls, each within its limits, for the purpose of defraying the expense of future repairs and of providing also by suitable penalties for its protection against future injuries.

The act of Congress of the 7th of May, 1822, appropriated the sum of $22,700 for the purpose of erecting two piers as a shelter for vessels from ice near Cape Henlopen, Delaware Bay. To effect the object of the act the officers of the Board of Engineers, with Commodore Bainbridge, were directed to prepare plans and estimates of piers sufficient to answer the purpose intended by the act. It appears by their report, which accompanies the documents from the War Department, that the appropriation is not adequate to the purpose intended; and as the piers would be of great service both to the navigation of the Delaware Bay and the protection of vessels on the adjacent parts of the coast, I submit for the consideration of Congress whether additional and sufficient appropriation should not be made.

The Board of Engineers were also directed to examine and survey the entrance of the harbor of the port of Presquille, in Pennsylvania, in order to make an estimate of the expense of removing the obstructions to the entrance, with a plan of the best mode of effecting the same, under the appropriation for that purpose by act of Congress passed 3d of March last. The report of the Board accompanies the papers from the War Department, and is submitted for the consideration of Congress.

A strong hope has been long entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest and resume their equal station among the nations of the earth. It is believed that the whole civilized world take a deep interest in their welfare. Although no power has declared in their favor, yet none, according to our information, has taken part against them. Their cause and their name have protected them from dangers which might ere this have overwhelmed any other people. The ordinary calculations of interest and of acquisition with a view to aggrandizement, which mingles so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge there is good cause to believe that their enemy has lost forever all dominion over them; that Greece will become again an independent nation. That she may obtain that rank is the object of our most ardent wishes.

It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted

with extraordinary moderation. It need scarcely be remarked that the result has been so far very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

The late events in Spain and Portugal shew that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have

so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none. But in regard to those continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new Governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.

If we compare the present condition of our Union with its actual state at the close of our Revolution, the history of the world furnishes no example of a progress in improvement in all the important circumstances which constitute the happiness of a nation which bears any resemblance to it. At the first epoch our population did not exceed 3,000,000. By the last census it amounted to about 10,000,000, and, what is more extraordinary, it is almost altogether native, for the immigration from other countries has been inconsiderable At the first epoch half the territory within our acknowledged limits was uninhabited and a wilderness. Since then new territory has been acquired of vast extent, comprising within it many rivers, particularly the Mississippi, the navigation of which to the ocean was of the highest importance to the original States. Over this territory our population has expanded in every direction, and new States have been established almost equal in number to those which formed the first bond of our Union. This expansion of our population and accession of new States to our Union have had the happiest effect on all its highest interests. That it has eminently augmented our resources and added to our strength and respectability as a power is admitted by all. But it is not in these important circumstances only that this happy effect is felt. It is manifest that by enlarging the basis of our system and increasing the number of States the system itself has been greatly strengthened in both its branches. Consolidation and disunion have thereby been rendered equally impracticable. Each Government, confiding in its own strength, has less to apprehend from the other, and in consequence each, enjoying a greater freedom of action, is rendered more efficient for all the purposes for which it was instituted. It is unnecessary to treat here of the vast improvement made in the system itself by the adoption of this Constitution and of its happy effect in elevating the

character and in protecting the rights of the nation as well as of individuals. To what, then, do we owe these blessings? It is known to all that we derive them from the excellence of our institutions. Ought we not, then, to adopt every measure which may be necessary to perpetuate them?

JAMES MONROE.

SPECIAL MESSAGES.

WASHINGTON CITY, *December 7, 1823.*

To the Senate and House of Representatives of the United States:

By an act of the last session of Congress it was made the duty of the accounting officers of the Treasury to adjust and settle the accounts of Daniel D. Tompkins, late governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States. The accounting officers have, in compliance with this act, reported to me a balance of $35,190 in favor of Governor Tompkins, which report I have had under consideration, together with his claim to an additional allowance, and should have decided on the same before the present time had I not delayed my decision at his request. From the view which I have taken of the subject I am satisfied, considering all the circumstances of the case, that a larger sum ought to be allowed him than that reported by the accounting officers of the Treasury. No appropriation, however, having been made by the act, and it appearing by recent information from him that the sum reported would afford him an essential accommodation at this time, the subject is submitted to the consideration of Congress with a view to that object.

JAMES MONROE.

To the Senate of the United States:

I transmit to the Senate, for its advice and consent as to the ratification, a treaty lately concluded with the Seminole Indians in Florida, whereby a cession of territory is made to the United States.

JAMES MONROE.

DECEMBER 15, 1823.

WASHINGTON, *December 23, 1823.*

To the Senate and House of Representatives of the United States:

I herewith transmit to Congress a statement by William Lambert, explanatory of his astronomical calculations with a view to establish the longitude of the Capitol.

JAMES MONROE.

WASHINGTON, *December 31, 1823.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with accompanying documents, containing the information requested by the resolution of the House of the 19th instant, relating to the condition and future prospects of the Greeks.

JAMES MONROE.

WASHINGTON, *January 5, 1824.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 18th of December last, requesting copies of contracts for cannon, cannon shot, muskets, and other small arms which have been entered into since the 1st of January, 1820, and for other detailed information therein specified, I herewith transmit a report, with accompanying documents, from the Department of War.

JAMES MONROE.

WASHINGTON, *January 9, 1824.*

To the House of Representatives of the United States:

Agreeably to a resolution of the House of Representatives of the 18th of December, 1823, requesting copies of all contracts for cannon, cannon shot, muskets, and other small arms entered into since the 1st of January, 1820, I herewith transmit a report from the Department of the Navy, with other documents relating thereto.

JAMES MONROE.

WASHINGTON, *January 12, 1824.*

To the House of Representatives of the United States:

In answer to a resolution of the House of Representatives of December 24, requesting the President of the United States to lay before the House such information as he may possess, and which may be disclosed without injury to the public good, relative to the determination of any sovereign, or combination of sovereigns, to assist Spain in the subjugation of her late colonies on the American continent, and whether any Government of Europe is disposed or determined to oppose any aid or assistance which such sovereign or combination of sovereigns may afford to Spain for the subjugation of her late colonies above mentioned, I have to state that I possess no information on that subject not known to Congress which can be disclosed without injury to the public good.

JAMES MONROE.

WASHINGTON, *January 30, 1824.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 15th of December last, requesting the President of the United States "to communicate a plan for a peace establishment of the Navy of the United States," I herewith transmit a report from the Secretary of the Navy, which contains the plan required.

In presenting this plan to the consideration of Congress, I avail myself of the occasion to make some remarks on it which the importance of the subject requires and experience justifies.

If a system of universal and permanent peace could be established, or if in war the belligerent parties would respect the rights of neutral powers, we should have no occasion for a navy or an army. The expense and dangers of such establishments might be avoided. The history of all ages proves that this can not be presumed; on the contrary, that at least one-half of every century, in ancient as well as modern times, has been consumed in wars, and often of the most general and desolating character. Nor is there any cause to infer, if we examine the condition of the nations with which we have the most intercourse and strongest political relations, that we shall in future be exempt from that calamity within any period to which a rational calculation may be extended. And as to the rights of neutral powers, it is sufficient to appeal to our own experience to demonstrate how little regard will be paid to them whenever they come in conflict with the interests of the powers at war while we rely on the justice of our cause and on argument alone. The amount of the property of our fellow-citizens which was seized and confiscated or destroyed by the belligerent parties in the wars of the French Revolution, and of those which followed before we became a party to the war, is almost incalculable.

The whole movement of our Government from the establishment of our independence has been guided by a sacred regard for peace. Situated as we are in the new hemisphere, distant from Europe and unconnected with its affairs, blessed with the happiest Government on earth, and having no objects of ambition to gratify, the United States have steadily cultivated the relations of amity with every power; and if in any European wars a respect for our rights might be relied on, it was undoubtedly in those to which I have adverted. The conflict being vital, the force being nearly equally balanced, and the result uncertain, each party had the strongest motives of interest to cultivate our good will, lest we might be thrown into the opposite scale. Powerful as this consideration usually is, it was nevertheless utterly disregarded in almost every stage of and by every party to those wars. To these encroachments and injuries our regard for peace was finally forced to yield.

In the war to which at length we became a party our whole coast from St. Croix to the Mississippi was either invaded or menaced with invasion,

and in many parts with a strong imposing force both land and naval. In those parts where the population was most dense the pressure was comparatively light, but there was scarcely an harbor or city on any of our great inlets which could be considered secure. New York and Philadelphia were eminently exposed, the then existing works not being sufficient for their protection. The same remark is applicable in a certain extent to the cities eastward of the former, and as to the condition of the whole country southward of the latter the events which mark the war are too recent to require detail. Our armies and Navy signalized themselves in every quarter where they had occasion to meet their gallant foe, and the militia voluntarily flew to their aid with a patriotism and fought with a bravery which exalted the reputation of their Government and country and which did them the highest honor. In whatever direction the enemy chose to move with their squadrons and to land their troops our fortifications, where any existed, presented but little obstacle to them. They passed those works without difficulty. Their squadrons, in fact, annoyed our whole coast, not of the sea only, but every bay and great river throughout its whole extent. In entering those inlets and sailing up them with a small force the effect was disastrous, since it never failed to draw out the whole population on each side and to keep it in the field while the squadron remained there. The expense attending this species of defense, with the exposure of the inhabitants and the waste of property, may readily be conceived.

The occurrences which preceded the war and those which attended it were alike replete with useful instruction as to our future policy. Those which marked the first epoch demonstrate clearly that in the wars of other powers we can rely only on force for the protection of our neutral rights. Those of the second demonstrate with equal certainty that in any war in which we may be engaged hereafter with a strong naval power the expense, waste, and other calamities attending it, considering the vast extent of our maritime frontier, can not fail, unless it be defended by adequate fortifications and a suitable naval force, to correspond with those which were experienced in the late war. Two great objects are therefore to be regarded in the establishment of an adequate naval force: The first, to prevent war so far as it may be practicable; the second, to diminish its calamities when it may be inevitable. Hence the subject of defense becomes intimately connected in all its parts in war and in peace, for the land and at sea. No government will be disposed in its wars with other powers to violate our rights if it knows we have the means, are prepared and resolved to defend them. The motive will also be diminished if it knows that our defenses by land are so well planned and executed that an invasion of our coast can not be productive of the evils to which we have heretofore been exposed.

It was under a thorough conviction of these truths, derived from the admonitions of the late war, that Congress, as early as the year 1816,

during the term of my enlightened and virtuous predecessor, under whom the war had been declared, prosecuted, and terminated, digested and made provision for the defense of our country and support of its rights, in peace as well as in war, by acts which authorized and enjoined the augmentation of our Navy to a prescribed limit, and the construction of suitable fortifications throughout the whole extent of our maritime frontier and wherever else they might be deemed necessary. It is to the execution of these works, both land and naval, and under a thorough conviction that by hastening their completion I should render the best service to my country and give the most effectual support to our free republican system of government that my humble faculties would admit of, that I have devoted so much of my time and labor to this great system of national policy since I came into this office, and shall continue to do it until my retirement from it at the end of your next session.

The Navy is the arm from which our Government will always derive most aid in support of our neutral rights. Every power engaged in war will know the strength of our naval force, the number of our ships of each class, their condition, and the promptitude with which we may bring them into service, and will pay due consideration to that argument. Justice will always have great weight in the cabinets of Europe; but in long and destructive wars exigencies often occur which press so vitally on them that unless the argument of force is brought to its aid it will be disregarded. Our land forces will always perform their duty in the event of war, but they must perform it on the land. Our Navy is the arm which must be principally relied on for the annoyance of the commerce of the enemy and for the protection of our own, and also, by cooperation with the land forces, for the defense of the country. Capable of moving in any and every direction, it possesses the faculty, even when remote from our coast, of extending its aid to every interest on which the security and welfare of our Union depend. Annoying the commerce of the enemy and menacing in turn its coast, provided the force on each side is nearly equally balanced, it will draw its squadrons from our own; and in case of invasion by a powerful adversary by a land and naval force, which is always to be anticipated and ought to be provided against, our Navy may, by like cooperation with our land forces, render essential aid in protecting our interior from incursion and depredation.

The great object in the event of war is to stop the enemy at the coast. If this is done our cities and whole interior will be secure. For the accomplishment of this object our fortifications must be principally relied on. By placing strong works near the mouths of our great inlets in such positions as to command the entrances into them, as may be done in many instances, it will be difficult, if not impossible, for ships to pass them, especially if other precautions, and particularly that of steam batteries, are resorted to in their aid. In the wars between other powers into which we may be drawn in support of our neutral rights it can not

be doubted that this defense would be adequate to the purpose intended by it, nor can it be doubted that the knowledge that such works existed would form a strong motive with any power not to invade our rights, and thereby contribute essentially to prevent war. There are, it is admitted, some entrances into our interior which are of such vast extent that it would be utterly imposible for any works, however extensive or well posted, to command them. Of this class the Chesapeake Bay, which is an arm of the sea, may be given as an example. But, in my judgment, even this bay may be defended against any power with whom we may be involved in war as a third party in the defense of our neutral rights. By erecting strong works at the mouth of James River, on both sides, near the capes, as we are now doing, and at Old Point Comfort and the Rip Raps, and connecting those works together by chains whenever the enemy's force appeared, placing in the rear some large ships and steam batteries, the passage up the river would be rendered impracticable. This guard would also tend to protect the whole country bordering on the bay and rivers emptying into it, as the hazard would be too great for the enemy, however strong his naval force, to ascend the bay and leave such a naval force behind; since, in the event of a storm, whereby his vessels might be separated, or of a calm, the ships and steam batteries behind the works might rush forth and destroy them. It could only be in the event of an invasion by a great power or a combination of several powers, and by land as well as by naval forces, that those works could be carried; and even then they could not fail to retard the movement of the enemy into the country and to give time for the collection of our regular troops, militia, and volunteers to that point, and thereby contribute essentially to his ultimate defeat and expulsion from our territory.

Under a strong impression that a peace establishment of our Navy is connected with the possible event of war, and that the naval force intended for either state, however small it may be, is connected with the general system of public defense, I have thought it proper in communicating this report to submit these remarks on the whole subject.

JAMES MONROE.

WASHINGTON, *February 2, 1824.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 11th of December last, requesting the President of the United States to communicate to the House all such parts of the correspondence with the Government of Spain relating to the Florida treaty to the period of its final ratification, not heretofore communicated, which, in his opinion, it might not be inconsistent with the public interest to communicate, I herewith transmit a report from the Secretary of State, with copies of the correspondence requested.

JAMES MONROE.

WASHINGTON, *February 23, 1824.*

To the House of Representatives of the United States:

The House of Representatives on the 12th instant having "resolved that the President of the United States be requested to inform this House whether the rules and regulations compiled by General Scott for the government of the Army are now in force in the Army, or any part thereof, and by what authority the same has been adopted and enforced," I herewith transmit a report from the Department of War, which contains the information required.

JAMES MONROE.

WASHINGTON, *February 23, 1824.*

To the House of Representatives of the United States:

Agreeably to a resolution of the House of Representatives of the 11th instant, requesting the President of the United States "to inform this House if the line intended to constitute the western boundary of the Territory of Arkansas has been run in conformity with the provisions of the third section of the act of Congress of the 3d of March, 1823, entitled 'An act making appropriation for the military service of the United States for the year 1823, and for other purposes,' and, if said line has not been run, that he inform this House what instructions have been given or measures adopted in relation to the execution of the provision of the law, and what causes have prevented said line from being run," I herewith transmit a report from the Secretary of War, which contains the information required.

JAMES MONROE.

WASHINGTON, *February 23, 1824.*

To the House of Representatives of the United States:

The House of Representatives on the 26th ultimo having "resolved that the President of the United States be requested to cause to be laid before the House an estimate of the expense which would be incurred by transporting 200 of the troops now at the Council Bluffs to the mouth of the Columbia or Oregon River," I herewith transmit a report of the Secretary of War, which contains the information required.

JAMES MONROE.

WASHINGTON, *February 23, 1824.*

To the Senate and House of Representatives of the United States:

I herewith transmit to Congress certain documents relating to a claim of Massachusetts for services rendered by the militia of that State in the late war, and for which payment was made by the State. From the par-

ticular circumstances attending this claim I have thought it proper to submit the subject to the consideration of Congress.

In forming a just estimate of this claim it will be necessary to recur to the cause which prevented its admission, or the admission of any part thereof, at an earlier day. It will be recollected that when a call was made on the militia of that State for service in the late war, under an arrangement which was alike applicable to the militia of all the States and in conformity with the acts of Congress, the executive of Massachusetts refused to comply with the call, on the principle that the power vested in Congress by the Constitution to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions was not a complete power for those purposes, but conditional, and dependent on the consent of the executives of the several States, and, also, that when called into service, such consent being given, they could not be commanded by a regular officer of the United States, or other officer than of the militia, except by the President in person. That this decision of the executive of Massachusetts was repugnant to the Constitution of the United States, and of dangerous tendency, especially when it is considered that we were then engaged in a war with a powerful nation for the defense of our common rights, was the decided opinion of this Government; and when the period at which that decision was formed was considered, it being as early as the 5th of August, 1812, immediately after the war was declared, and that it was not relinquished during the war, it was inferred by the Executive of the United States that the decision of the executive of that State was alike applicable to all the services that were rendered by the militia of the State during the war.

In the correspondence with the governor of Massachusetts at that important epoch, and on that very interesting subject, it was announced to him by the Secretary of War that if the militia of the State were called into service by the executive of the State, and not put under the command of the Major-General of the United States, as the militia of the other States were, the expense attending their service would be chargeable to the State, and not to the United States. It was also stated to him at the same time that any claim which the State might have for the reimbursement of such expenses could not be allowed by the Executive of the United States, since it would involve principles on which that branch of the Government could not decide.

Under these circumstances a decision on the claim of the State of Massachusetts has hitherto been suspended, and it need not be remarked that the suspension has proceeded from a conviction that it would be improper to give any sanction by its admission, or by the admission of any part thereof, either to the construction of the Constitution contended for by the then executive of that State or to its conduct at that period toward the General Government and the Union.

In January, 1823, the Representatives in Congress from Massachusetts

and Maine suggested, by memorial, that the constitutional objection could not apply to a portion of the claim, and requested that the accounting officer of the Government might be instructed to audit and admit such part as might be free from that objection. In all cases where claims are presented for militia service it is the duty and the practice of the accounting officer to submit them to the Department for instruction as to the legality of the claim; that is, whether the service had been rendered by order of the competent authority, or otherwise, under circumstances to justify the claim against the United States, admitting that the evidence in support of it should be satisfactory. To this request there appeared to be no well-founded objection, under the reservation as to the constitutional principle, and accordingly an order was given to the accounting officers of the Treasury to proceed in auditing the claim with that reservation.

In conformity with this arrangement, the executive of Massachusetts appointed two citizens of that State commissioners to attend to the settlement of its claim, and who, in execution of the trust reposed in them, have presented to the accounting officer of the Treasury that portion comprehending the services of the fifth division of the militia of the State, which has been audited and reported for consideration, subject to the objection above stated. I have examined this report, with the documents presented by the commissioners, and am of opinion that the services rendered by that division were spontaneous, patriotic, and proper, necessary for self-defense, to repel in some instances actual invasion and in others to meet by adequate preparation invasions that were menaced. The commissioners of the State having intimated that other portions of service stood on similar ground, the accounting officer has been instructed, in auditing the whole, to do it in such manner as to enable the Department to show distinctly under what circumstances each portion of service was rendered, whether voluntary, called out by invasion or the menace of invasion, or by public authority, and in such case whether the militia rendering such service was placed under the authority of the United States or retained under that of the State.

It affords me great pleasure to state that the present executive of Massachusetts has disclaimed the principle which was maintained by the former executive, and that in this disclaimer both branches of the legislature have concurred. By this renunciation the State is placed on the same ground in this respect with the other States, and this very distressing anomaly in our system is removed. It is well known that the great body of our fellow-citizens in Massachusetts are as firmly devoted to our Union and to the free republican principles of our Government as our fellow-citizens of the other States. Of this important truth their conduct in every stage of our Revolutionary struggle and in many other emergencies bears ample testimony; and I add with profound interest and a thorough conviction that, although the difficulty adverted to in the late

war with their executive excited equal surprise and regret, it was not believed to extend to them. There never was a moment when the confidence of the Government in the great body of our fellow-citizens of that State was impaired, nor is a doubt entertained that they were at all times willing and ready to support their rights and repel an invasion by the enemy.

The commissioners of Massachusetts have urged, in compliance with their instructions, the payment of so much of their claim as applies to the services rendered by the fifth division, which have been audited, and I should have no hesitation in admitting it if I did not think, under all the circumstances of the case, that the claim in all its parts was cognizable by Congress alone. The period at which the constitutional difficulty was raised by the executive of the State was in the highest degree important, as was the tendency of the principle for which it contended, and which was adhered to during the war. The public mind throughout the Union was much excited by that occurrence, and great solicitude was felt as to its consequences. The Executive of the United States was bound to maintain, and did maintain, a just construction of the Constitution, in doing which it is gratifying to recollect that the most friendly feelings were cherished toward their brethren of that State. The executive of the State was warned, in the correspondence which then took place, of the light in which its conduct was viewed and of the effect it would have, so far as related to the right of the Executive of the United States, on any claim which might afterwards be presented by the State to compensation for such services. Under these circumstances the power of the Executive of the United States to settle any portion of this claim seems to be precluded. It seems proper, also, that this claim should be decided on full investigation before the public, that the principle on which it is decided may be thoroughly understood by our fellow-citizens of every State, which can be done by Congress alone, who alone, also, possess the power to pass laws which may be necessary to carry such decision into effect.

In submitting this subject to the calm and enlightened judgment of Congress, I do it with peculiar satisfaction, from a knowledge that you are now placed, by the course of events, in a situation which will enable you to adopt such measures as will not only comport with the sound principles of our Government, but likewise be conducive to other the highest interests of our Union. By the renunciation of the principle maintained by the then executive of Massachusetts, as has been done by its present executive and both branches of the legislature in the most formal manner and in accord with the sentiments of the great body of the people, the Constitution is restored in a very important feature (that connected with the public defense) and in the most important branch (that of the militia) to its native strength. It is very gratifying to know that this renunciation has been produced by the regular, orderly, and pacific

operation of our republican system, whereby those who were in the right at the moment of difficulty and who sustained the Government with great firmness have daily gained strength until this result was accomplished. The points on which you will have to decide are, What is fairly due for the services which were actually rendered? By what means shall we contribute most to cement the Union and give the greatest support to our most excellent Constitution? In seeking each object separately we are led to the same result. All that can be claimed by our fellow-citizens of Massachusetts is that the constitutional objection be waived, and that they be placed on the same footing with their brethren in the other States; that regarding the services rendered by the militia of other States, for which compensation has been made, giving to the rule the most liberal construction, like compensation be made for similar services rendered by the militia of that State.

I have been led to conclude on great consideration that the principles of justice as well as a due regard for the great interests of our Union require that this claim in the extent proposed should be acceded to. Essential service was rendered in the late war by the militia of Massachusetts, and with the most patriotic motives. It seems just, therefore, that they should be compensated for such services in like manner with the militia of the other States. The constitutional difficulty did not originate with them, and has now been removed. It comports with our system to look to the service rendered and to the intention with which it was rendered, and to award the compensation accordingly, especially as it may now be done without the sacrifice of principle. The motive in this instance is the stronger because well satisfied I am that by so doing we shall give the most effectual support to our republican institutions. No latent cause of discontent will be left behind. The great body of the people will be gratified, and even those who now survive who were then in error can not fail to see with interest and satisfaction this distressing occurrence thus happily terminated. I therefore consider it my duty to recommend it to Congress to make provision for the settlement of the claim of Massachusetts for services rendered in the late war by the militia of the State, in conformity with the rules which have governed in the settlement of the claims for services rendered by the militia of the other States.

JAMES MONROE.

FEBRUARY 24, 1824.

To the House of Representatives of the United States:

I transmit herewith a report of the Secretary of War, containing the information called for by a resolution of the House of Representatives of the United States, passed on the 4th instant, respecting any suit or suits which have been or are now depending, in which the United States are interested, for the recovery of the Pea Patch.

JAMES MONROE.

WASHINGTON, *February 25, 1824.*

To the House of Representatives of the United States:

In conformity with the resolution of the House of Representatives of the 17th instant, I now transmit the report of the Secretary of the Navy, accompanied by statements marked A and B, shewing "the amount of money expended in conformity with the provisions of the act entitled 'An act for the gradual increase of the Navy of the United States,' approved April 29, 1816, and of the act to amend said act, approved 3d of March, 1821; also the number of vessels built or now on the stocks, with their rates, the value of the timber purchased, or for which contracts have been made, and whether sufficient timber has been purchased or contracted for to build the vessels contemplated by the provisions of said acts."

JAMES MONROE.

MARCH 3, 1824.

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of the Treasury, containing copies of the contracts made by the Surveyor-General, and called for by a resolution of the Senate bearing date the 24th February, 1824.

JAMES MONROE.

MARCH 4, 1824.

To the House of Representatives of the United States:

I transmit a report of the Secretary of the Treasury, which communicates all the information in possession of the Department called for by a resolution of the House requesting a copy of the report of the register of the land office in the eastern district of Louisiana, bearing date the 6th of January, 1821, together with all the information from the said register to the Treasury Department.

JAMES MONROE.

WASHINGTON, *March 4, 1824.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 1st March, 1823, requesting information of the number and position of the permanent fortifications which have been and are now erecting for the defense of the coasts, harbors, and frontiers of the United States, with the classification and magnitude of each, with the amount expended on each, showing the work done and to be done, the number of guns of every caliber for each fortification, the total cost of a complete armament for each, the force required to garrison each in time of peace and of war, I transmit to the House a report from the Secretary of War containing the information required by the resolution.

JAMES MONROE.

WASHINGTON, *March 8, 1824.*

To the Senate and House of Representatives of the United States:

On the 3d March, 1819, James Miller was first commissioned as governor of the Territory of Arkansas for the term of three years from that date.

Before the expiration of that time, and in the winter of 1821–22, a nomination of him for reappointment was intended, and believed by me to have been made to the Senate, and to have received the confirmation of that body.

By some accident, the cause of which is unknown, it appears that this impression was erroneous, and in December, 1822, it was discovered that Mr. Miller had not then been recommissioned, though in the confidence that he had been he had continued to act in that capacity. He was then renominated to the Senate, with the additional proposal that his commission should take effect from 3d March, 1822, when his first commission had expired.

The nomination was confirmed by the Senate so far as regarded the appointment, but without concurrence in the retrospective effect proposed to be given to the commission.

His second commission, therefore, bears date on the 3d January, 1823, and the interposition of the Legislature becomes necessary to legalize his official acts in the interval between 3d March, 1822, and that time, a subject which I recommend to the consideration of Congress.

JAMES MONROE.

MARCH 17, 1824.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 17th of February last, requesting "information whether any measures had been taken for carrying into effect the resolution of Congress of June 17, 1777, directing a monument to be erected to the memory of David Wooster, a brigadier-general in the Army of the United States, who fell in defending the liberties of America and bravely repelling an inroad of the British forces to Danbury, in Connecticut," I have caused the necessary inquiries to be made, and find by the report of the Register of the Treasury that no monument has been erected to the memory of that patriotic and gallant officer, nor has any money been paid to the executive of Connecticut on that account.

JAMES MONROE.

WASHINGTON, *March 25, 1824.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 25th of February, requesting information whether the title of the United

Brethren for Propagating the Gospel among the Heathen to certain sections of land in Ohio has been purchased for the United States, and, if so, to cause a copy of the contract and of the papers relating thereto to be laid before the House, I transmit herewith all the documents required.

JAMES MONROE.

WASHINGTON, *March 25, 1824.*

To the Senate of the United States:

Having seen with regret that occasional errors have been made in nominations to the Senate, sometimes by the omission of a letter in the name, proceeding from casualties in the Departments and in my own office, it would be satisfactory to me if an arrangement could be made whereby such errors might be corrected without the formality of a special message. Where there is an accord as to the person there seems to be no reason for resorting to a renomination for the correction of such trivial errors. Any mode which the Senate may adopt will be satisfactory to me.

JAMES MONROE.

MARCH 25, 1824.

To the Senate and House of Representatives of the United States:

Having stated to Congress on the 7th of December last that Daniel D. Tompkins, late governor of New York, was entitled to a larger sum than that reported in his favor by the accounting officers of the Government, and that in the execution of the law of the last session I had the subject still under consideration, I now communicate to you the result.

On full consideration of the law by which this duty was enjoined on me and of the report of the committee on the basis of which the law was founded, I have thought that I was authorized to adopt the principles laid down in that report in deciding on the sum which should be allowed to him for his services. With this view and on a comparison of his services with those which were rendered by other disbursing officers, taking into consideration also his aid in obtaining loans, I had decided to allow him 5 per cent for all sums borrowed and disbursed by him, and of which decision I informed him. Mr. Tompkins has since stated to me that this allowance will not indemnify him for his advances, loans, expenditures, and losses in rendering those services, nor place him on the footing of those who loaned money to the Government at that interesting period. He has also expressed a desire that I would submit the subject to the final decision of Congress, which I now do. In adopting this measure I think proper to add that I concur fully in the sentiments expressed by the committee in favor of the very patriotic and valuable services which were rendered by Mr. Tompkins in the late war.

JAMES MONROE.

MARCH 28, 1824.

To the House of Representatives of the United States:

I herewith transmit a report of the Secretary of War, together with a report from the Commissioner of the General Land Office, accompanied by the necessary documents, communicating the information heretofore requested by a resolution of the House in relation to the salt springs, lead and copper mines, together with the probable value of each of them and of the reservations attached to each, the extent to which they have been worked, the advantages and proximity of each to navigable waters, and the origin, nature, and extent of any claim made to them by individuals or companies, which reports contain all the information at present possessed on the subjects of the said resolution.

JAMES MONROE.

MARCH 30, 1824.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 14th instant, requesting information whether an advance of compensation had been made to any of the commissioners who had been appointed for the examination of titles and claims to land in Florida, and by what authority such advance, if any, had been made, I transmit a report of the Secretary of State, which contains the information desired.

JAMES MONROE.

WASHINGTON, *March 30, 1824.*

To the Senate and House of Representatives of the United States:

I transmit to Congress certain papers enumerated in a report from the Secretary of War, relating to the compact between the United States and the State of Georgia entered into in 1802, whereby the latter ceded to the former a portion of the territory then within its limits on the conditions therein specified. By the fourth article of that compact it was stipulated that the United States should at their own expense extinguish for the use of Georgia the Indian title to all the lands within the State as soon as it might be done *peaceably* and on *reasonable* conditions. These papers show the measures adopted by the Executive of the United States in fulfillment of the several conditions of the compact from its date to the present time, and particularly the negotiations and treaties with the Indian tribes for the extinguishment of their title, with an estimate of the number of acres purchased and sums paid for lands they acquired. They show also the state in which this interesting concern now rests with the Cherokees, one of the tribes within the State, and the inability of the Executive to make any further movement with this tribe without the special sanction of Congress.

I have full confidence that my predecessors exerted their best endeavors to execute this compact in all its parts, of which, indeed, the sums paid and the lands acquired during their respective terms in fulfillment of its several stipulations are a full proof. I have also been animated since I came into this office with the same zeal, from an anxious desire to meet the wishes of the State, and in the hope that by the establishment of these tribes beyond the Mississippi their improvement in civilization, their security and happiness would be promoted. By the paper bearing date on the 30th of January last, which was communicated to the chiefs of the Cherokee Nation in this city, who came to protest against any further appropriations of money for holding treaties with them, the obligation imposed on the United States by the compact with Georgia to extinguish the Indian title to the right of soil within the State, and the incompatibility with our system of their existence as a distinct community within any State, were pressed with the utmost earnestness. It was proposed to them at the same time to procure and convey to them territory beyond the Mississippi in exchange for that which they hold within the limits of Georgia, or to pay them for it its value in money. To this proposal their answer, which bears date 11th of February following, gives an unqualified refusal. By this it is manifest that at the present time and in their present temper they can be removed only by force, to which, should it be deemed proper, the power of the Executive is incompetent.

I have no hesitation, however, to declare it as my opinion that the Indian title was not affected in the slightest circumstance by the compact with Georgia, and that there is no obligation on the United States to remove the Indians by force. The express stipulation of the compact that their title should be extinguished at the expense of the United States when it may be done *peaceably* and on *reasonable* conditions is a full proof that it was the clear and distinct understanding of both parties to it that the Indians had a right to the territory, in the disposal of which they were to be regarded as free agents. An attempt to remove them by force would, in my opinion, be unjust. In the future measures to be adopted in regard to the Indians within our limits, and, in consequence, within the limits of any State, the United States have duties to perform and a character to sustain to which they ought not to be indifferent. At an early period their improvement in the arts of civilized life was made an object with the Government, and that has since been persevered in. This policy was dictated by motives of humanity to the aborigines of the country, and under a firm conviction that the right to adopt and pursue it was equally applicable to all the tribes within our limits.

My impression is equally strong that it would promote essentially the security and happiness of the tribes within our limits if they could be prevailed on to retire west and north of our States and Territories on lands to be procured for them by the United States, in exchange for those on which they now reside. Surrounded as they are, and pressed as they

will be, on every side by the white population, it will be difficult if not impossible for them, with their kind of government, to sustain order among them. Their interior will be exposed to frequent disturbances, to remedy which the interposition of the United States will be indispensable, and thus their government will gradually lose its authority until it is annihilated. In this process the moral character of the tribes will also be lost, since the change will be too rapid to admit their improvement in civilization to enable them to institute and sustain a government founded on our principles, if such a change were compatible either with the compact with Georgia or with our general system, or to become members of a State, should any State be willing to adopt them in such numbers, regarding the good order, peace, and tranquillity of such State. But all these evils may be avoided if these tribes will consent to remove beyond the limits of our present States and Territories. Lands equally good, and perhaps more fertile, may be procured for them in those quarters. The relations between the United States and such Indians would still be the same.

Considerations of humanity and benevolence, which have now great weight, would operate in that event with an augmented force, since we should feel sensibly the obligation imposed on us by the accommodation which they thereby afforded us. Placed at ease, as the United States would then be, the improvement of those tribes in civilization and in all the arts and usages of civilized life would become the part of a general system which might be adopted on great consideration, and in which every portion of our Union would then take an equal interest. These views have steadily been pursued by the Executive, and the moneys which have been placed at its disposal have been so applied in the manner best calculated, according to its judgment, to produce this desirable result, as will appear by the documents which accompany the report of the Secretary of War.

I submit this subject to the consideration of Congress under a high sense of its importance and of the propriety of an early decision on it. This compact gives a claim to the State which ought to be executed in all its conditions with perfect good faith. In doing this, however, it is the duty of the United States to regard its strict import, and to make no sacrifice of their interest not called for by the compact nor contemplated by either of the parties when it was entered into, nor to commit any breach of right or of humanity in regard to the Indians repugnant to the judgment and revolting to the feelings of the whole American people. I submit the subject to your consideration, in full confidence that you will duly weigh the obligations of the compact with Georgia, its import in all its parts, and the extent to which the United States are bound to go under it. I submit it with equal confidence that you will also weigh the nature of the Indian title to the territory within the limits of any State, with the stipulations in the several treaties with this tribe respecting

territory held by it within the State of Georgia, and decide whether any measure on the part of Congress is called for at the present time, and what such measure shall be if any is deemed expedient.

JAMES MONROE.

APRIL 9, 1824.

To the House of Representatives of the United States:

I herewith transmit the report of the Secretary of War, with the accompanying documents, containing the information requested by a resolution of the House of the 10th ultimo, and which communicates the accounts of all the generals of the Army, likewise of the Inspector-General, the chiefs of the Engineer and Ordnance Corps, and Surgeon-General for the two years preceding the 30th of September last; also shewing the amount of money paid to each under the different heads of pay, fuel, straw, quarters, transportation, and all other extra and contingent allowances; which report, together with the statements herewith transmitted, furnishes all the information required.

JAMES MONROE.

To the Senate and House of Representatives of the United States:

The executive of Virginia having requested payment of the amount of interest paid by the State for moneys borrowed and paid by it for services rendered by the militia in the late war, and such claim not being allowable according to the uniform decisions of the accounting officers of the Government, I submit the subject to your consideration, with a report from the Secretary of War and all the documents connected with it.

The following are the circumstances on which this claim is founded: From an early stage of the war the squadrons of the enemy entered occasionally the Chesapeake Bay, and, menacing its shores and those of the principal rivers emptying into it, subjected the neighboring militia to calls from the local authorities for the defense of the parts thus menaced. The pressure was most sensibly felt in 1814, after the attack on this city and its capture, when the invading force, retiring to its squadron, menaced alike Baltimore, Norfolk, and Richmond. The attack on this city had induced a call by the Department of War for large detachments of the militia of Pennsylvania, Maryland, and Virginia, which, being collected in this quarter, and the enemy bearing, in the first instance, on Baltimore, were ordered to its defense. As early as the 31st of August notice was given by the Secretary of War to the governor of Virginia of the position of the enemy and of the danger to which Richmond as well as Norfolk and Baltimore were exposed, and he was also authorized and enjoined to be on his guard, prepared at every point and in every circumstance to

meet and repel the invaders. This notice was repeated several times afterwards, until the enemy left the bay and moved to the south.

In the course of the war the State had augmented its taxes to meet the pressure, but the funds being still inadequate, it borrowed money to a considerable amount, which was applied to the payment of the militia for the services thus rendered. The calls which had been made, except for the brigades in this quarter and at Norfolk, being made by the State, the settlement with those corps and the payment for their services were made according to the rules and usage of the Department by the State and not by the United States. On the settlement by the State, after the peace, with the accounting officers of the Government the reimbursement of the interest which the State had paid on the sums thus borrowed and paid to the militia was claimed, but not allowed for the reason above stated. It is this claim which I now submit to the consideration of Congress.

It need scarcely be remarked that where a State advances money for the use of the General Government for a purpose authorized by it that the claim for the interest on the amount thus advanced, which has been paid by the State, is reasonable and just. The claim is the stronger under the circumstance which existed when those advances were made, it being at a period of great difficulty, when the United States were compelled to borrow very large sums for the prosecution of the war. Had the State not borrowed this money the militia, whose services have been recognized since by the nation, must have been disbanded and the State left without defense.

The claim is, in my opinion, equally well founded where a State advances money which it has in its treasury, or which it raises by taxes, to meet the current demand.

In submitting this claim to your consideration it is proper to observe that many other States have like claims with those of Virginia, and that all those similarly circumstanced should be placed on the same footing.

I invite your attention to a principle which is deemed just, and with a view that the provision which may be made respecting it may be extended alike to all the States.

JAMES MONROE.

APRIL 12, 1824.

APRIL 16, 1824.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 8th of April, requesting information whether the fifth section of the act of the 3d March, 1803, relating to a township of land lying within John Cleves Symmes's patent, had been executed, and, if not, what reasons had prevented it, I transmit a report from the Secretary of the Treasury, which affords the information desired.

JAMES MONROE.

APRIL 16, 1824.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of War, containing the information requested by a resolution of the House dated 25th ultimo, shewing the reason why the engineers appointed to examine the most suitable site for a national armory on the Western waters have not made their report.

JAMES MONROE.

APRIL 16, 1824.

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report from the Secretary of War, which contains the information requested by a resolution of the 8th instant, respecting the proposals that were made by certain Indians, therein described, of the Cherokee Nation for the cession of their lands to the United States.

JAMES MONROE.

WASHINGTON, *April 18, 1824.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 13th instant, requesting a detailed account of the disbursement of the sums appropriated by the acts of the 30th April, 1818, and of the 3d March, 1819, for making certain improvements in the grounds connected with the public offices and the President's house, I transmit a report from the Commissioner of the Public Buildings, which contains the information desired.

JAMES MONROE.

APRIL 23, 1824.

To the House of Representatives of the United States:

In conformity with a resolution of the House of Representatives of yesterday, I have received a copy of the proceedings of the committee to whom was referred a communication from Ninian Edwards, lately appointed a minister plenipotentiary to Mexico, in which it is decided that his attendance in this city for the purpose of being examined by the committee on matters contained in the said communication was requisite. As soon as I was apprised that such a communication had been made to the House, anticipating that the attendance of Mr. Edwards might be desired for the purpose stated, I thought it proper that he should be informed thereof, and instructed him not to proceed on his mission, but to await such call as might be made on him either by the House or its committee, and in consequence a letter was addressed to him to that effect by the Secretary of State.

JAMES MONROE.

APRIL 27, 1824.

To the Senate of the United States:

In conformity with the resolution of the Senate of the 19th instant, requesting information whether the Executive, through the agency of the War Department, borrowed any money during the late war, under the condition of applying the same to the defense of the State wherein the said loans were made, to what amount, and whether interest was paid by the United States for such loans, etc., I herewith transmit a report from the Secretary of War containing all the information in that Department in relation to the resolution.

JAMES MONROE.

APRIL 28, 1824.

To the House of Representatives:

The House of Representatives having referred back the accounts and claims of Daniel D. Tompkins, late governor of New York, to be settled on the principles established by the report of the committee and the law founded on it in the last session I have reconsidered the subject, and now communicate the result.

By the report of the committee, which it was understood was adopted by the House, it was decided that his accounts and claims should be settled on the four following principles:

First. That interest should be allowed him on all moneys advanced by him for the public from the time of the advance to that of his being reimbursed.

Second. That a reasonable commission should be allowed him on all moneys disbursed by him during the late war.

Third. That an indemnity should be allowed for all losses which he had sustained by the failure of the Government to fulfill its engagements to send him money or Treasury notes within the time specified to be deposited in certain banks as collateral security for loans procured by him at the request and on account of the Government.

Fourth. That he should not be held responsible for losses incurred by the frauds and failures of subagents to whom moneys were advanced through his hands.

On the first, that of interest on his advances for the public, I have allowed him $14,438.68. This allowance is made on advances admitted by the accounting department, and on the declaration of Mr. Tompkins that the remittances made to him, after his advances and previous to the 24th of December, 1814, when a very large sum was remitted to him, were applied to public purposes and not to the reimbursement of his advances.

On the second head, that of a reasonable commission for his disbursements during the late war, I have allowed him 5 per cent on the whole sum disbursed by him, amounting to $92,213.13. I have made him this extra allowance in consideration of the aid which he afforded to the

Government at that important epoch in obtaining the loan of a considerable part of the sums thus disbursed.

On the third head, that of an indemnity for losses sustained by him in consequence of the failure of the Government to fulfill its engagements to send him money or Treasury notes within the time specified, I have allowed him $4,411.25, being the amount of the loss sustained on the sale of Treasury notes, for which he was responsible.

On the fourth head, that of losses sustained by him by any frauds or failures of subagents, none such having been shewn no allowance whatever has been made to him.

From the amount thus allowed to Mr. Tompkins after deducting the sum paid him under the act of the present session and the moneys charged to his account there will remain a balance due him of $60,238.46, as appears by the sketch herewith communicated.

In making a final decision on Mr. Tompkins's claims a question arises, Shall interest be allowed him on the amount of the commission on his disbursements? The law of the last session grants to the President a power to allow interest on moneys advanced by him to the public, but does not authorize it on the commission to be allowed on his disbursements. To make such allowance belongs exclusively to Congress. Had his claims been settled at the end of the last war on the principles established by the law of the last session a commission on disbursements would then have been allowed him. This consideration operates with great force in favor of the allowance of interest on that commission at this time, which I recommend to Congress.

I think proper to add that the official relation which I bore to Governor Tompkins at that very interesting epoch, under the highly distinguished and meritorious citizen under whom we both served, enabling me to feel very sensibly the value of his services, excites a strong interest in his favor, which I deem it not improper to express.

JAMES MONROE.

WASHINGTON, *April 30, 1824.*

To the Senate of the United States:

I transmit to the Senate, for their constitutional advice with regard to its ratification, a convention for the suppression of the African slave trade, signed at London on the 13th ultimo by the minister of the United States residing there on their part, with the plenipotentiaries of the British Government on the part of that nation, together with the correspondence relating thereto, a part of which is included in a communication made to the House of Representatives on the 19th ultimo, a printed copy of which is among the documents herewith sent.

Motives of accommodation to the wishes of the British Government render it desirable that the Senate should act definitively upon this convention as speedily as may be found convenient.

JAMES MONROE.

APRIL 30, 1824.

To the Senate of the United States:

I communicate to the Senate a treaty entered into with the Cherokee Nation as early as 1804, but which, owing to causes not now understood, has never been carried into effect. Of the authenticity of the transaction a report from the Secretary of War, with the documents accompanying it, furnishes the most unquestionable proof. I submit it to the Senate for its advice and consent as to the ratification.

JAMES MONROE.

WASHINGTON, *May 7, 1824.*

To the Senate of the United States:

I communicate herewith to the Senate a report from the Secretary of State, with the documents relating to the present state of the commercial intercourse between the United States and Portugal, requested by the resolution of the Senate of the 13th ultimo.

JAMES MONROE.

MAY 11, 1824.

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report of the Secretary of War, containing the information called for by the resolution of the 10th of March, requesting the names of all the officers of the Army who have been brevetted, stating their lineal rank and brevet rank, when brevetted, and the amount of money paid to each and when paid, which report, with the accompanying documents, contains the information desired.

JAMES MONROE.

MAY 13, 1824.

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 15th of April, requesting the President to cause to be communicated to the House a statement of the supplies which have been sent from the United States to any ports of South America for the use of our squadron in the Pacific Ocean, of the amount paid for such supplies, with the names of the owners of the vessels, and other details therein specified, I transmit herewith a report from the Secretary of the Navy, which, with the documents accompanying it, furnishes the information desired.

JAMES MONROE.

MAY 14, 1824.

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report of the Secretary of the Navy, together with the proceedings of a court-martial

lately held at Norfolk for the trial of Lieutenant Beverly Kennon, as requested by a resolution of the House bearing date the 25th of April, 1824.

JAMES MONROE.

WASHINGTON, *May 18, 1824.*

To the House of Representatives of the United States:

I communicate to the House a report, with accompanying documents, received from Alexander Hamilton, one of the commissioners of land titles in East Florida, deeming the statements therein contained to be worthy of the particular attention of the House, and of a nature which may, perhaps, require their interposition or that of both branches of the Legislature.

JAMES MONROE.

WASHINGTON, *May 21, 1824.*

To the Senate of the United States:

Apprehending from the delay in the decision that some difficulty exists with the Senate respecting the ratification of the convention lately concluded with the British Government for the suppression of the slave trade by making it piratical, I deem it proper to communicate for your consideration such views as appear to me to merit attention. Charged as the Executive is, and as I have long been, with maintaining the political relations between the United States and other nations, I consider it my duty, in submitting for your advice and consent as to the ratification any treaty or convention which has been agreed on with another power, to explain, when the occasion requires it, all the reasons which induced the measure. It is by such full and frank explanation only that the Senate can be enabled to discharge the high trust reposed in them with advantage to their country. Having the instrument before them, with the views which guided the Executive in forming it, the Senate will possess all the light necessary to a sound decision.

By an act of Congress of 15th May, 1820, the slave trade, as described by that act, was made piratical, and all such of our citizens as might be found engaged in that trade were subjected, on conviction thereof by the circuit courts of the United States, to capital punishment. To communicate more distinctly the import of that act, I refer to its fourth and fifth sections, which are in the following words:

SEC. 4. *And be it further enacted*, That if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel owned in the whole or part or navigated for or in behalf of any citizen or citizens of the United States, shall land from any such ship or vessel, and on any foreign shore

seize any negro or mulatto not held to service or labor by the laws of either of the States or Territories of the United States, with intent to make such negro or mulatto a slave, or shall decoy or forcibly bring or carry, or shall receive, such negro or mulatto on board any such ship or vessel, with intent as aforesaid, such citizen or person shall be adjudged a pirate, and on conviction thereof before the circuit court of the United States for the district wherein he may be brought or found shall suffer death.

SEC. 5. *And be it further enacted*, That if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel owned wholly or in part, or navigated for or in behalf of, any citizen or citizens of the United States, shall forcibly confine or detain, or aid and abet in forcibly confining or detaining, on board such ship or vessel any negro or mulatto not held to service by the laws of either of the States or Territories of the United States, with intent to make such negro or mulatto a slave, or shall on board any such ship or vessel offer or attempt to sell as a slave any negro or mulatto not held to service as aforesaid, or shall on the high seas or anywhere on tide water transfer or deliver over to any other ship or vessel any negro or mulatto not held to service as aforesaid, with intent to make such negro or mulatto a slave, or shall land or deliver on shore from on board any such ship or vessel any such negro or mulatto, with intent to make sale of, or having previously sold such negro or mulatto as a slave, such citizen or person shall be adjudged a pirate, and on conviction thereof before the circuit court of the United States for the district wherein he may be brought or found shall suffer death.

And on the 28th February, 1823, the House of Representatives, by a majority of 131 to 9, passed a resolution to the following effect:

Resolved, That the President of the United States be requested to enter upon and prosecute from time to time such negotiations with the several maritime powers of Europe and America as he may deem expedient for the effectual abolition of the African slave trade and its ultimate denunciation as piracy under the law of nations, by the consent of the civilized world.

By the act of Congress above referred to, whereby the most effectual means that could be devised were adopted for the extirpation of the slave trade, the wish of the United States was explicitly declared, that all nations might concur in a similar policy. It could only be by such concurrence that the great object could be accomplished, and it was by negotiation and treaty alone that such concurrence could be obtained, commencing with one power and extending it to others. The course, therefore, which the Executive, who had concurred in the act, had to pursue was distinctly marked out for it. Had there, however, been any doubt respecting it, the resolution of the House of Representatives, the branch which might with strict propriety express its opinion, could not fail to have removed it.

By the tenth article of the treaty of peace between the United States and Great Britain, concluded at Ghent, it was stipulated that both parties should use their best endeavors to accomplish the abolition of the African slave trade. This object has been accordingly pursued by both Governments with great earnestness, by separate acts of legislation, and by negotiation almost uninterrupted, with the purpose of establishing a

concert between them in some measure which might secure its accomplishment.

Great Britain in her negotiations with other powers had concluded treaties with Spain, Portugal, and the Netherlands, in which, without constituting the crime as piracy or classing it with crimes of that denomination, the parties had conceded to the naval officers of each other the right of search and capture of the vessels of either that might be engaged in the slave trade, and had instituted courts consisting of judges, subjects of both parties, for the trial of the vessels so captured.

In the negotiations with the United States Great Britain had earnestly and repeatedly pressed on them the adoption of similar provisions. They had been resisted by the Executive on two grounds: One, that the constitution of mixed tribunals was incompatible with their Constitution; and the other, that the concession of the right of search in time of peace for an offense not piratical would be repugnant to the feelings of the nation and of dangerous tendency. The right of search is the right of war of the belligerent toward the neutral. To extend it in time of peace to any object whatever might establish a precedent which might lead to others with some powers, and which, even if confined to the instance specified, might be subject to great abuse.

Animated by an ardent desire to suppress this trade, the United States took stronger ground by making it, by the act above referred to, piratical, a measure more adequate to the end and free from many of the objections applicable to the plan which had been proposed to them. It is this alternative which the Executive, under the sanction and injunctions above stated, offered to the British Government, and which that Government has accepted. By making the crime piracy the right of search attaches to the crime, and which when adopted by all nations will be common to all; and that it will be so adopted may fairly be presumed if steadily persevered in by the parties to the present convention. In the meantime, and with a view to a fair experiment, the obvious course seems to be to carry into effect with every power such treaty as may be made with each in succession.

In presenting this alternative to the British Government it was made an indispensable condition that the trade should be made piratical by act of Parliament, as it had been by an act of Congress. This was provided for in the convention, and has since been complied with. In this respect, therefore, the nations rest on the same ground. Suitable provisions have also been adopted to protect each party from the abuse of the power granted to the public ships of the other. Instead of subjecting the persons detected in the slave trade to trial by the courts of the captors, as would be the case if such trade was piracy by the laws of nations, it is stipulated that until that event they shall be tried by the courts of their own country only. Hence there could be no motive for an abuse of the right of search, since such abuse could not fail to terminate to the injury of the captor.

Should this convention be adopted, there is every reason to believe that it will be the commencement of a system destined to accomplish the entire abolition of the slave trade. Great Britain, by making it her own, confessedly adopted at the suggestion of the United States, and being pledged to propose and urge its adoption by other nations in concert with the United States, will find it for her interest to abandon the less-effective system of her previous treaties with Spain, Portugal, and the Netherlands, and to urge on those and other powers their accession to this. The crime will then be universally proscribed as piracy, and the traffic be suppressed forever.

Other considerations of high importance urge the adoption of this convention. We have at this moment pending with Great Britain sundry other negotiations intimately connected with the welfare and even the peace of our Union. In one of them nearly a third part of the territory of the State of Maine is in contestation. In another the navigation of the St. Lawrence, the admission of consuls into the British islands, and a system of commercial intercourse between the United States and all the British possessions in this hemisphere are subjects of discussion. In a third our territorial and other rights upon the northwest coast are to be adjusted, while a negotiation on the same interest is opened with Russia. In a fourth all the most important controvertible points of maritime law in time of war are brought under consideration, and in the fifth the whole system of South American concerns, connected with a general recognition of South American independence, may again from hour to hour become, as it has already been, an object of concerted operations of the highest interest to both nations and to the peace of the world.

It can not be disguised that the rejection of this convention can not fail to have a very injurious influence on the good understanding between the two Governments on all these points. That it would place the Executive Administration under embarrassment, and subject it, the Congress, and the nation to the charge of insincerity respecting the great result of the final suppression of the slave trade, and that its first and indispensable consequence will be to constrain the Executive to suspend all further negotiation with every European and American power to which overtures have been made in compliance with the resolution of the House of Representatives of 28th February, 1823, must be obvious. To invite all nations, with the statute of piracy in our hands, to adopt its principles as the law of nations and yet to deny to all the common right of search for the pirate, whom it would be impossible to detect without entering and searching the vessel, would expose us not simply to the charge of inconsistency.

It must be obvious that the restriction of search for pirates to the African coast is incompatible with the idea of such a crime. It is not doubted also if the convention is adopted that no example of the commission of that crime by the citizens or subjects of either power will ever occur

again. It is believed, therefore, that this right as applicable to piracy would not only extirpate the trade, but prove altogether innocent in its operation.

In further illustration of the views of Congress on this subject, I transmit to the Senate extracts from two resolutions of the House of Representatives, one of the 9th February, 1821, the other of 12th April, 1822. I transmit also a letter from the chargé d'affaires of the British Government, which shows the deep interest which that Government takes in the ratification of the treaty.

JAMES MONROE.

WASHINGTON CITY, *May 22, 1824.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of the Navy, in compliance with their resolution of the 14th of April last, respecting prize agents, which report contains the information requested.

JAMES MONROE.

MAY 24, 1824.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 13th instant, requesting the President to communicate any information he may possess in relation to the intercourse and trade now carried on between the people of the United States (and particularly the people of the State of Missouri) and the Mexican Provinces, how and by what route that trade or intercourse is carried on, in what it consists, the distances, etc., the nations of Indians through which it passes, their dispositions, whether pacific or otherwise, the advantages resulting or likely to result from that trade or intercourse, I herewith transmit a communication from the Department of State, which contains all the information which has yet been collected in relation to those subjects.

JAMES MONROE.

MAY 24, 1824.

To the House of Representatives of the United States:

In compliance with a resolution of the 20th instant, I transmit herewith to the House of Representatives a report of David Shriver, superintendent of the Cumberland road, stating the manner in which the appropriation made at the last session for the repair of that road has been expended, and also the present condition of the road.

JAMES MONROE.

EIGHTH ANNUAL MESSAGE.

WASHINGTON, *December 7, 1824.*

Fellow-Citizens of the Senate and of the House of Representatives:

The view which I have now to present to you of our affairs, foreign and domestic, realizes the most sanguine anticipations which have been entertained of the public prosperity. If we look to the whole, our growth as a nation continues to be rapid beyond example; if to the States which compose it, the same gratifying spectacle is exhibited. Our expansion over the vast territory within our limits has been great, without indicating any decline in those sections from which the emigration has been most conspicuous. We have daily gained strength by a native population in every quarter—a population devoted to our happy system of government and cherishing the bond of union with fraternal affection. Experience has already shewn that the difference of climate and of industry, proceeding from that cause, inseparable from such vast domains, and which under other systems might have a repulsive tendency, can not fail to produce with us under wise regulations the opposite effect. What one portion wants the other may supply; and this will be most sensibly felt by the parts most distant from each other, forming thereby a domestic market and an active intercourse between the extremes and throughout every portion of our Union. Thus by a happy distribution of power between the National and State Governments, Governments which rest exclusively on the sovereignty of the people and are fully adequate to the great purposes for which they were respectively instituted, causes which might otherwise lead to dismemberment operate powerfully to draw us closer together. In every other circumstance a correct view of the actual state of our Union must be equally gratifying to our constituents. Our relations with foreign powers are of a friendly character, although certain interesting differences remain unsettled with some. Our revenue under the mild system of impost and tonnage continues to be adequate to all the purposes of the Government Our agriculture, commerce, manufactures, and navigation flourish. Our fortifications are advancing in the degree authorized by existing appropriations to maturity, and due progress is made in the augmentation of the Navy to the limit prescribed for it by law. For these blessings we owe to Almighty God, from whom we derive them, and with profound reverence, our most grateful and unceasing acknowledgments.

In adverting to our relations with foreign powers, which are always an object of the highest importance, I have to remark that of the subjects which have been brought into discussion with them during the present Administration some have been satisfactorily terminated, others have been suspended, to be resumed hereafter under circumstances more favor-

able to success, and others are still in negotiation, with the hope that they may be adjusted with mutual accommodation to the interests and to the satisfaction of the respective parties. It has been the invariable object of this Government to cherish the most friendly relations with every power, and on principles and conditions which might make them permanent. A systematic effort has been made to place our commerce with each power on a footing of perfect reciprocity, to settle with each in a spirit of candor and liberality all existing differences, and to anticipate and remove so far as it might be practicable all causes of future variance.

It having been stipulated by the seventh article of the convention of navigation and commerce which was concluded on the 24th of June, 1822, between the United States and France, that the said convention should continue in force for two years from the 1st of October of that year, and for an indefinite term afterwards, unless one of the parties should declare its intention to renounce it, in which event it should cease to operate at the end of six months from such declaration, and no such intention having been announced, the convention having been found advantageous to both parties, it has since remained, and still remains, in force. At the time when that convention was concluded many interesting subjects were left unsettled, and particularly our claim to indemnity for spoliations which were committed on our commerce in the late wars. For these interests and claims it was in the contemplation of the parties to make provision at a subsequent day by a more comprehensive and definitive treaty. The object has been duly attended to since by the Executive, but as yet it has not been accomplished. It is hoped that a favorable opportunity will present itself for opening a negotiation which may embrace and arrange all existing differences and every other concern in which they have a common interest upon the accession of the present King of France, an event which has occurred since the close of the last session of Congress.

With Great Britain our commercial intercourse rests on the same footing that it did at the last session. By the convention of 1815 the commerce between the United States and the British dominions in Europe and the East Indies was arranged on a principle of reciprocity. That convention was confirmed and continued in force, with slight exceptions, by a subsequent treaty for the term of ten years from the 20th of October, 1818, the date of the latter. The trade with the British colonies in the West Indies has not as yet been arranged, by treaty or otherwise, to our satisfaction. An approach to that result has been made by legislative acts, whereby many serious impediments which had been raised by the parties in defense of their respective claims were removed. An earnest desire exists, and has been manifested on the part of this Government, to place the commerce with the colonies, likewise, on a footing of reciprocal advantage, and it is hoped that the British Government, seeing the justice of the proposal and its importance to the colonies, will ere long accede to it.

The commissioners who were appointed for the adjustment of the boundary between the territories of the United States and those of Great Britain, specified in the fifth article of the treaty of Ghent, having disagreed in their decision, and both Governments having agreed to establish that boundary by amicable negotiation between them, it is hoped that it may be satisfactorily adjusted in that mode. The boundary specified by the sixth article has been established by the decision of the commissioners. From the progress made in that provided for by the seventh, according to a report recently received, there is good cause to presume that it will be settled in the course of the ensuing year.

It is a cause of serious regret that no arrangement has yet been finally concluded between the two Governments to secure by joint cooperation the suppression of the slave trade. It was the object of the British Government in the early stages of the negotiation to adopt a plan for the suppression which should include the concession of the mutual right of search by the ships of war of each party of the vessels of the other for suspected offenders. This was objected to by this Government on the principle that as the right of search was a right of war of a belligerent toward a neutral power it might have an ill effect to extend it by treaty, to an offense which had been made comparatively mild, to a time of peace. Anxious, however, for the suppression of this trade, it was thought advisable, in compliance with a resolution of the House of Representatives, founded on an act of Congress, to propose to the British Government an expedient which should be free from that objection and more effectual for the object, by making it piratical. In that mode the enormity of the crime would place the offenders out of the protection of their Government, and involve no question of search or other question between the parties touching their respective rights. It was believed, also, that it would completely suppress the trade in the vessels of both parties, and by their respective citizens and subjects in those of other powers, with whom it was hoped that the odium which would thereby be attached to it would produce a corresponding arrangement, and by means thereof its entire extirpation forever. A convention to this effect was concluded and signed in London on the 13th day of March, 1824, by plenipotentiaries duly authorized by both Governments, to the ratification of which certain obstacles have arisen which are not yet entirely removed. The difference between the parties still remaining has been reduced to a point not of sufficient magnitude, as is presumed, to be permitted to defeat an object so near to the heart of both nations and so desirable to the friends of humanity throughout the world. As objections, however, to the principle recommended by the House of Representatives, or at least to the consequences inseparable from it, and which are understood to apply to the law, have been raised, which may deserve a reconsideration of the whole subject, I have thought it proper to suspend the conclusion of a new convention until the definitive sentiments of Congress may be ascertained. The

documents relating to the negotiation are with that intent submitted to your consideration.

Our commerce with Sweden has been placed on a footing of perfect reciprocity by treaty, and with Russia, the Netherlands, Prussia, the free Hanseatic cities, the Dukedom of Oldenburg, and Sardinia by internal regulations on each side, founded on mutual agreement between the respective Governments.

The principles upon which the commercial policy of the United States is founded are to be traced to an early period. They are essentially connected with those upon which their independence was declared, and owe their origin to the enlightened men who took the lead in our affairs at that important epoch. They are developed in their first treaty of commerce with France of 6th February, 1778, and by a formal commission which was instituted immediately after the conclusion of their Revolutionary struggle, for the purpose of negotiating treaties of commerce with every European power. The first treaty of the United States with Prussia, which was negotiated by that commission, affords a signal illustration of those principles. The act of Congress of the 3d March, 1815, adopted immediately after the return of a general peace, was a new overture to foreign nations to establish our commercial relations with them on the basis of free and equal reciprocity. That principle has pervaded all the acts of Congress and all the negotiations of the Executive on the subject since.

A convention for the settlement of important questions in relation to the northwest coast of this continent and its adjoining seas was concluded and signed at St. Petersburg on the 5th day of April last by the minister plenipotentiary of the United States and plenipotentiaries of the Imperial Government of Russia. It will immediately be laid before the Senate for the exercise of the constitutional authority of that body with reference to its ratification. It is proper to add that the manner in which this negotiation was invited and conducted on the part of the Emperor has been very satisfactory.

The great and extraordinary changes which have happened in the Governments of Spain and Portugal within the last two years, without seriously affecting the friendly relations which under all of them have been maintained with those powers by the United States, have been obstacles to the adjustment of the particular subjects of discussion which have arisen with each. A resolution of the Senate adopted at their last session called for information as to the effect produced upon our relations with Spain by the recognition on the part of the United States of the independent South American Governments. The papers containing that information are now communicated to Congress.

A chargé d'affaires has been received from the independent Government of Brazil. That country, heretofore a colonial possession of Portugal, had some years since been proclaimed by the Sovereign of Portugal

himself an independent Kingdom. Since his return to Lisbon a revolution in Brazil has established a new Government there with an imperial title, at the head of which is placed a prince, in whom the regency had been vested by the King at the time of his departure. There is reason to expect that by amicable negotiation the independence of Brazil will ere long be recognized by Portugal herself.

With the remaining powers of Europe, with those on the coast of Barbary, and with all the new South American States our relations are of a friendly character. We have ministers plenipotentiary residing with the Republics of Colombia and Chile, and have received ministers of the same rank from Colombia, Guatemala, Buenos Ayres, and Mexico. Our commercial relations with all those States are mutually beneficial and increasing. With the Republic of Colombia a treaty of commerce has been formed, of which a copy is received and the original daily expected. A negotiation for a like treaty would have been commenced with Buenos Ayres had it not been prevented by the indisposition and lamented decease of Mr. Rodney, our minister there, and to whose memory the most respectful attention has been shewn by the Government of that Republic. An advantageous alteration in our treaty with Tunis has been obtained by our consular agent residing there, the official document of which when received will be laid before the Senate.

The attention of the Government has been drawn with great solicitude to other subjects, and particularly to that relating to a state of maritime war, involving the relative rights of neutral and belligerent in such wars. Most of the difficulties which we have experienced and of the losses which we have sustained since the establishment of our independence have proceeded from the unsettled state of those rights and the extent to which the belligerent claim has been carried against the neutral party. It is impossible to look back on the occurrences of the late wars in Europe, and to behold the disregard which was paid to our rights as a neutral power, and the waste which was made of our commerce by the parties to those wars by various acts of their respective Governments, and under the pretext by each that the other had set the example, without great mortification and a fixed purpose never to submit to the like in future. An attempt to remove those causes of possible variance by friendly negotiation and on just principles which should be applicable to all parties could, it was presumed, be viewed by none other than as a proof of an earnest desire to preserve those relations with every power. In the late war between France and Spain a crisis occurred in which it seemed probable that all the controvertible principles involved in such wars might be brought into discussion and settled to the satisfaction of all parties. Propositions having this object in view have been made to the Governments of Great Britain, France, Russia, and of other powers, which have been received in a friendly manner by all, but as yet no treaty has been formed with either for its accomplishment. The policy will, it is presumed, be persevered in, and in the hope that it may be successful.

It will always be recollected that with one of the parties to those wars, and from whom we received those injuries, we sought redress by war. From the other, by whose then reigning Government our vessels were seized in port as well as at sea and their cargoes confiscated, indemnity has been expected, but has not yet been rendered. It was under the influence of the latter that our vessels were likewise seized by the Governments of Spain, Holland, Denmark, Sweden, and Naples, and from whom indemnity has been claimed and is still expected, with the exception of Spain, by whom it has been rendered. With both parties we had abundant cause of war, but we had no alternative but to resist that which was most powerful at sea and pressed us nearest at home. With this all differences were settled by a treaty, founded on conditions fair and honorable to both, and which has been so far executed with perfect good faith. It has been earnestly hoped that the other would of its own accord, and from a sentiment of justice and conciliation, make to our citizens the indemnity to which they are entitled, and thereby remove from our relations any just cause of discontent on our side.

It is estimated that the receipts into the Treasury during the current year, exclusive of loans, will exceed $18,500,000, which, with the sum remaining in the Treasury at the end of the last year, amounting to $9,463,922.81, will, after discharging the current disbursements of the year, the interest on the public debt, and upward of $11,633,011.52 of the principal, leave a balance of more than $3,000,000 in the Treasury on the 1st day of January next.

A larger amount of the debt contracted during the late war, bearing an interest of 6 per cent, becoming redeemable in the course of the ensuing year than could be discharged by the ordinary revenue, the act of the 26th of May authorized a loan of $5,000,000 at 4½ per cent to meet the same. By this arrangement an annual saving will accrue to the public of $75,000.

Under the act of the 24th of May last a loan of $5,000,000 was authorized, in order to meet the awards under the Florida treaty, which was negotiated at par with the Bank of the United States at 4½ per cent, the limit of interest fixed by the act. By this provision the claims of our citizens who had sustained so great a loss by spoliations, and from whom indemnity had been so long withheld, were promptly paid. For these advances the public will be amply repaid at no distant day by the sale of the lands in Florida. Of the great advantages resulting from the acquisition of the Territory in other respects too high an estimate can not be formed.

It is estimated that the receipts into the Treasury during the year 1825 will be sufficient to meet the disbursements of the year, including the sum of $10,000,000, which is annually appropriated by the act constituting the sinking fund to the payment of the principal and interest of the public debt.

The whole amount of the public debt on the 1st of January next may

be estimated at $86,000,000, inclusive of $2,500,000 of the loan authorized by the act of the 26th of May last. In this estimate is included a stock of $7,000,000, issued for the purchase of that amount of the capital stock of the Bank of the United States, and which, as the stock of the bank still held by the Government will at least be fully equal to its reimbursement, ought not to be considered as constituting a part of the public debt. Estimating, then, the whole amount of the public debt at $79,000,000 and regarding the annual receipts and expenditures of the Government, a well-founded hope may be entertained that, should no unexpected event occur, the whole of the public debt may be discharged in the course of ten years, and the Government be left at liberty thereafter to apply such portion of the revenue as may not be necessary for current expenses to such other objects as may be most conducive to the public security and welfare. That the sums applicable to these objects will be very considerable may be fairly concluded when it is recollected that a large amount of the public revenue has been applied since the late war to the construction of the public buildings in this city; to the erection of fortifications along the coast and of arsenals in different parts of the Union; to the augmentation of the Navy; to the extinguishment of the Indian title to large tracts of fertile territory; to the acquisition of Florida; to pensions to Revolutionary officers and soldiers, and to invalids of the late war. On many of these objects the expense will annually be diminished and cease at no distant period on most of them. On the 1st of January, 1817, the public debt amounted to $123,491,965.16, and, notwithstanding the large sums which have been applied to these objects, it has been reduced since that period $37,446,961.78. The last portion of the public debt will be redeemable on the 1st of January, 1835, and while there is the best reason to believe that the resources of the Government will be continually adequate to such portions of it as may become due in the interval, it is recommended to Congress to seize every opportunity which may present itself to reduce the rate of interest on every part thereof. The high state of the public credit and the great abundance of money are at this time very favorable to such a result. It must be very gratifying to our fellow-citizens to witness this flourishing state of the public finances when it is recollected that no burthen whatever has been imposed upon them.

The military establishment in all its branches, in the performance of the various duties assigned to each, justifies the favorable view which was presented of the efficiency of its organization at the last session. All the appropriations have been regularly applied to the objects intended by Congress, and so far as the disbursements have been made the accounts have been rendered and settled without loss to the public. The condition of the Army itself, as relates to the officers and men, in science and discipline is highly respectable. The Military Academy, on which the Army essentially rests, and to which it is much indebted for this state of

improvement, has attained, in comparison with any other institution of a like kind, a high degree of perfection. Experience, however, has shewn that the dispersed condition of the corps of artillery is unfavorable to the discipline of that important branch of the military establishment. To remedy this inconvenience, eleven companies have been assembled at the fortification erected at Old Point Comfort as a school for artillery instruction, with intention as they shall be perfected in the various duties of that service to order them to other posts, and to supply their places with other companies for instruction in like manner. In this mode a complete knowledge of the science and duties of this arm will be extended throughout the whole corps of artillery. But to carry this object fully into effect will require the aid of Congress, to obtain which the subject is now submitted to your consideration.

Of the progress which has been made in the construction of fortifications for the permanent defense of our maritime frontier, according to the plan decided on and to the extent of the existing appropriations, the report of the Secretary of War, which is herewith communicated, will give a detailed account. Their final completion can not fail to give great additional security to that frontier, and to diminish proportionably the expense of defending it in the event of war.

The provisions in the several acts of Congress of the last session for the improvement of the navigation of the Mississippi and the Ohio, of the harbor of Presqu'isle, on Lake Erie, and the repair of the Plymouth beach are in a course of regular execution; and there is reason to believe that the appropriation in each instance will be adequate to the object. To carry these improvements fully into effect, the superintendence of them has been assigned to officers of the Corps of Engineers.

Under the act of 30th April last, authorizing the President to cause a survey to be made, with the necessary plans and estimates, of such roads and canals as he might deem of national importance in a commercial or military point of view, or for the transportation of the mail, a board has been instituted, consisting of two distinguished officers of the Corps of Engineers and a distinguished civil engineer, with assistants, who have been actively employed in carrying into effect the object of the act. They have carefully examined the route between the Potomac and the Ohio rivers; between the latter and Lake Erie; between the Alleghany and the Susquehannah; and the routes between the Delaware and the Raritan, Barnstable and Buzzards Bay, and between Boston Harbor and Narragansett Bay. Such portion of the Corps of Topographical Engineers as could be spared from the survey of the coast has been employed in surveying the very important route between the Potomac and the Ohio. Considerable progress has been made in it, but the survey can not be completed until the next season. It is gratifying to add, from the view already taken, that there is good cause to believe that this great national object may be fully accomplished.

It is contemplated to commence early in the next season the execution of the other branch of the act—that which relates to roads—and with the survey of a route from this city, through the Southern States, to New Orleans, the importance of which can not be too highly estimated. All the officers of both the corps of engineers who could be spared from other services have been employed in exploring and surveying the routes for canals. To digest a plan for both objects for the great purposes specified will require a thorough knowledge of every part of our Union and of the relation of each part to the others and of all to the seat of the General Government. For such a digest it will be necessary that the information be full, minute, and precise. With a view to these important objects, I submit to the consideration of the Congress the propriety of enlarging both the corps of engineers—the military and topographical. It need scarcely be remarked that the more extensively these corps are engaged in the improvement of their country, in the execution of the powers of Congress, and in aid of the States in such improvements as lie beyond that limit, when such aid is desired, the happier the effect will be in many views of which the subject is susceptible. By profiting of their science the works will always be well executed, and by giving to the officers such employment our Union will derive all the advantage, in peace as well as in war, from their talents and services which they can afford. In this mode, also, the military will be incorporated with the civil, and unfounded and injurious distinctions and prejudices of every kind be done away. To the corps themselves this service can not fail to be equally useful, since by the knowledge they would thus acquire they would be eminently better qualified in the event of war for the great purposes for which they were instituted.

Our relations with the Indian tribes within our limits have not been materially changed during the year. The hostile disposition evinced by certain tribes on the Missouri during the last year still continues, and has extended in some degree to those on the Upper Mississippi and the Upper Lakes. Several parties of our citizens have been plundered and murdered by those tribes. In order to establish relations of friendship with them, Congress at the last session made an appropriation for treaties with them and for the employment of a suitable military escort to accompany and attend the commissioners at the places appointed for the negotiations. This object has not been effected. The season was too far advanced when the appropriation was made and the distance too great to permit it; but measures have been taken, and all the preparations will be completed to accomplish it at an early period in the next season.

Believing that the hostility of the tribes, particularly on the Upper Mississippi and the Lakes, is in no small degree owing to the wars which are carried on between the tribes residing in that quarter, measures have been taken to bring about a general peace among them, which, if successful, will not only tend to the security of our citizens, but be of great advantage to the Indians themselves.

With the exception of the tribes referred to, our relations with all the others are on the same friendly footing, and it affords me great satisfaction to add that they are making steady advances in civilization and the improvement of their condition. Many of the tribes have already made great progress in the arts of civilized life. This desirable result has been brought about by the humane and persevering policy of the Government, and particularly by means of the appropriation for the civilization of the Indians. There have been established under the provisions of this act 32 schools, containing 916 scholars, who are well instructed in several branches of literature, and likewise in agriculture and the ordinary arts of life.

Under the appropriation to authorize treaties with the Creeks and Quaupaw Indians commissioners have been appointed and negotiations are now pending, but the result is not yet known.

For more full information respecting the principle which has been adopted for carrying into effect the act of Congress authorizing surveys, with plans and estimates for canals and roads, and on every other branch of duty incident to the Department of War, I refer you to the report of the Secretary.

The squadron in the Mediterranean has been maintained in the extent which was proposed in the report of the Secretary of the Navy of the last year, and has afforded to our commerce the necessary protection in that sea. Apprehending, however, that the unfriendly relations which have existed between Algiers and some of the powers of Europe might be extended to us, it has been thought expedient to augment the force there, and in consequence the *North Carolina*, a ship of the line, has been prepared, and will sail in a few days to join it.

The force employed in the Gulf of Mexico and in the neighboring seas for the suppression of piracy has likewise been preserved essentially in the state in which it was during the last year. A persevering effort has been made for the accomplishment of that object, and much protection has thereby been afforded to our commerce, but still the practice is far from being suppressed. From every view which has been taken of the subject it is thought that it will be necessary rather to augment than to diminish our force in that quarter. There is reason to believe that the piracies now complained of are committed by bands of robbers who inhabit the land, and who, by preserving good intelligence with the towns and seizing favorable opportunities, rush forth and fall on unprotected merchant vessels, of which they make an easy prey. The pillage thus taken they carry to their lurking places, and dispose of afterwards at prices tending to seduce the neighboring population. This combination is understood to be of great extent, and is the more to be deprecated because the crime of piracy is often attended with the murder of the crews, these robbers knowing if any survived their lurking places would be exposed and they be caught and punished. That this atrocious practice should be

carried to such extent is cause of equal surprise and regret. It is presumed that it must be attributed to the relaxed and feeble state of the local governments, since it is not doubted, from the high character of the governor of Cuba, who is well known and much respected here, that if he had the power he would promptly suppress it. Whether those robbers should be pursued on the land, the local authorities be made responsible for these atrocities, or any other measure be resorted to to suppress them, is submitted to the consideration of Congress.

In execution of the laws for the suppression of the slave trade a vessel has been occasionally sent from that squadron to the coast of Africa with orders to return thence by the usual track of the slave ships, and to seize any of our vessels which might be engaged in that trade. None have been found, and it is believed that none are thus employed. It is well known, however, that the trade still exists under other flags.

The health of our squadron while at Thompsons Island has been much better during the present than it was the last season. Some improvements have been made and others are contemplated there which, it is believed, will have a very salutary effect.

On the Pacific our commerce has much increased, and on that coast, as well as on that sea, the United States have many important interests which require attention and protection. It is thought that all the considerations which suggested the expediency of placing a squadron on that sea operate with augmented force for maintaining it there, at least in equal extent.

For detailed information respecting the state of our maritime force on each sea, the improvement necessary to be made on either in the organization of the naval establishment generally, and of the laws for its better government I refer you to the report of the Secretary of the Navy, which is herewith communicated.

The revenue of the Post-Office Department has received a considerable augmentation in the present year. The current receipts will exceed the expenditures, although the transportation of the mail within the year has been much increased. A report of the Postmaster-General, which is transmitted, will furnish in detail the necessary information respecting the administration and present state of this Department.

In conformity with a resolution of Congress of the last session, an invitation was given to General Lafayette to visit the United States, with an assurance that a ship of war should attend at any port of France which he might designate, to receive and convey him across the Atlantic, whenever it might be convenient for him to sail. He declined the offer of the public ship from motives of delicacy, but assured me that he had long intended and would certainly visit our Union in the course of the present year. In August last he arrived at New York, where he was received with the warmth of affection and gratitude to which his very important and disinterested services and sacrifices in our Revolutionary struggle so eminently

entitled him. A corresponding sentiment has since been manifested in his favor throughout every portion of our Union, and affectionate invitations have been given him to extend his visits to them. To these he has yielded all the accommodation in his power. At every designated point of rendezvous the whole population of the neighboring country has been assembled to greet him, among whom it has excited in a peculiar manner the sensibility of all to behold the surviving members of our Revolutionary contest, civil and military, who had shared with him in the toils and dangers of the war, many of them in a decrepit state. A more interesting spectacle, it is believed, was never witnessed, because none could be founded on purer principles, none proceed from higher or more disinterested motives. That the feelings of those who had fought and bled with him in a common cause should have been much excited was natural. There are, however, circumstances attending these interviews which pervaded the whole community and touched the breasts of every age, even the youngest among us. There was not an individual present who had not some relative who had not partaken in those scenes, nor an infant who had not heard the relation of them. But the circumstance which was most sensibly felt, and which his presence brought forcibly to the recollection of all, was the great cause in which we were engaged and the blessings which we have derived from our success in it. The struggle was for independence and liberty, public and personal, and in this we succeeded. The meeting with one who had borne so distinguished a part in that great struggle, and from such lofty and disinterested motives, could not fail to affect profoundly every individual and of every age. It is natural that we should all take a deep interest in his future welfare, as we do. His high claims on our Union are felt, and the sentiment universal that they should be met in a generous spirit. Under these impressions I invite your attention to the subject, with a view that, regarding his very important services, losses, and sacrifices, a provision may be made and tendered to him which shall correspond with the sentiments and be worthy the character of the American people.

In turning our attention to the condition of the civilized world, in which the United States have always taken a deep interest, it is gratifying to see how large a portion of it is blessed with peace. The only wars which now exist within that limit are those between Turkey and Greece, in Europe, and between Spain and the new Governments, our neighbors, in this hemisphere. In both these wars the cause of independence, of liberty and humanity, continues to prevail. The success of Greece, when the relative population of the contending parties is considered, commands our admiration and applause, and that it has had a similar effect with the neighboring powers is obvious. The feeling of the whole civilized world is excited in a high degree in their favor. May we not hope that these sentiments, winning on the hearts of their respective Governments, may lead to a more decisive result; that they may produce an accord among

them to replace Greece on the ground which she formerly held, and to which her heroic exertions at this day so eminently entitle her?

With respect to the contest to which our neighbors are a party, it is evident that Spain as a power is scarcely felt in it. These new States had completely achieved their independence before it was acknowledged by the United States, and they have since maintained it with little foreign pressure. The disturbances which have appeared in certain portions of that vast territory have proceeded from internal causes, which had their origin in their former Governments and have not yet been thoroughly removed. It is manifest that these causes are daily losing their effect, and that these new States are settling down under Governments elective and representative in every branch, similar to our own. In this course we ardently wish them to persevere, under a firm conviction that it will promote their happiness. In this, their career, however, we have not interfered, believing that every people have a right to institute for themselves the government which, in their judgment, may suit them best. Our example is before them, of the good effect of which, being our neighbors, they are competent judges, and to their judgment we leave it, in the expectation that other powers will pursue the same policy. The deep interest which we take in their independence, which we have acknowledged, and in their enjoyment of all the rights incident thereto, especially in the very important one of instituting their own Governments, has been declared, and is known to the world. Separated as we are from Europe by the great Atlantic Ocean, we can have no concern in the wars of the European Governments nor in the causes which produce them. The balance of power between them, into whichever scale it may turn in its various vibrations, can not affect us. It is the interest of the United States to preserve the most friendly relations with every power and on conditions fair, equal, and applicable to all. But in regard to our neighbors our situation is different. It is impossible for the European Governments to interfere in their concerns, especially in those alluded to, which are vital, without affecting us; indeed, the motive which might induce such interference in the present state of the war between the parties, if a war it may be called, would appear to be equally applicable to us. It is gratifying to know that some of the powers with whom we enjoy a very friendly intercourse, and to whom these views have been communicated, have appeared to acquiesce in them.

The augmentation of our population with the expansion of our Union and increased number of States have produced effects in certain branches of our system which merit the attention of Congress. Some of our arrangements, and particularly the judiciary establishment, were made with a view to the original thirteen States only. Since then the United States have acquired a vast extent of territory; eleven new States have been admitted into the Union, and Territories have been laid off for three others, which will likewise be admitted at no distant day. An

organization of the Supreme Court which assigns to the judges any portion of the duties which belong to the inferior, requiring their passage over so vast a space under any distribution of the States that may now be made, if not impracticable in the execution, must render it impossible for them to discharge the duties of either branch with advantage to the Union. The duties of the Supreme Court would be of great importance if its decisions were confined to the ordinary limits of other tribunals, but when it is considered that this court decides, and in the last resort, on all the great questions which arise under our Constitution, involving those between the United States individually, between the States and the United States, and between the latter and foreign powers, too high an estimate of their importance can not be formed. The great interests of the nation seem to require that the judges of the Supreme Court should be exempted from every other duty than those which are incident to that high trust. The organization of the inferior courts would of course be adapted to circumstances. It is presumed that such an one might be formed as would secure an able and faithful discharge of their duties, and without any material augmentation of expense.

The condition of the aborigines within our limits, and especially those who are within the limits of any of the States, merits likewise particular attention. Experience has shown that unless the tribes be civilized they can never be incorporated into our system in any form whatever. It has likewise shown that in the regular augmentation of our population with the extension of our settlements their situation will become deplorable, if their extinction is not menaced. Some well-digested plan which will rescue them from such calamities is due to their rights, to the rights of humanity, and to the honor of the nation. Their civilization is indispensable to their safety, and this can be accomplished only by degrees. The process must commence with the infant state, through whom some effect may be wrought on the parental. Difficulties of the most serious character present themselves to the attainment of this very desirable result on the territory on which they now reside. To remove them from it by force, even with a view to their own security and happiness, would be revolting to humanity and utterly unjustifiable. Between the limits of our present States and Territories and the Rocky Mountains and Mexico there is a vast territory to which they might be invited with inducements which might be successful. It is thought if that territory should be divided into districts by previous agreement with the tribes now residing there and civil governments be established in each, with schools for every branch of instruction in literature and the arts of civilized life, that all the tribes now within our limits might gradually be drawn there. The execution of this plan would necessarily be attended with expense, and that not inconsiderable, but it is doubted whether any other can be devised which would be less liable to that objection or more likely to succeed.

In looking to the interests which the United States have on the Pacific Ocean and on the western coast of this continent, the propriety of establishing a military post at the mouth of Columbia River, or at some other point in that quarter within our acknowledged limits, is submitted to the consideration of Congress. Our commerce and fisheries on that sea and along the coast have much increased and are increasing. It is thought that a military post, to which our ships of war might resort, would afford protection to every interest, and have a tendency to conciliate the tribes to the northwest, with whom our trade is extensive. It is thought also that by the establishment of such a post the intercourse between our Western States and Territories and the Pacific and our trade with the tribes residing in the interior on each side of the Rocky Mountains would be essentially promoted. To carry this object into effect the appropriation of an adequate sum to authorize the employment of a frigate, with an officer of the Corps of Engineers, to explore the mouth of the Columbia River and the coast contiguous thereto, to enable the Executive to make such establishment at the most suitable point, is recommended to Congress.

It is thought that attention is also due to the improvement of this city. The communication between the public buildings and in various other parts and the grounds around those buildings require it. It is presumed also that the completion of the canal from the Tiber to the Eastern Branch would have a very salutary effect. Great exertions have been made and expenses incurred by the citizens in improvements of various kinds; but those which are suggested belong exclusively to the Government, or are of a nature to require expenditures beyond their resources. The public lots which are still for sale would, it is not doubted, be more than adequate to these purposes.

From the view above presented it is manifest that the situation of the United States is in the highest degree prosperous and happy. There is no object which as a people we can desire which we do not possess or which is not within our reach. Blessed with governments the happiest which the world ever knew, with no distinct orders in society or divided interests in any portion of the vast territory over which their dominion extends, we have every motive to cling together which can animate a virtuous and enlightened people. The great object is to preserve these blessings, and to hand them down to the latest posterity. Our experience ought to satisfy us that our progress under the most correct and provident policy will not be exempt from danger. Our institutions form an important epoch in the history of the civilized world. On their preservation and in their utmost purity everything will depend. Extending as our interests do to every part of the inhabited globe and to every sea to which our citizens are carried by their industry and enterprise, to which they are invited by the wants of others, and have a right to go, we must either protect them in the enjoyment of their rights or abandon them in

certain events to waste and desolation. Our attitude is highly interesting as relates to other powers, and particularly to our southern neighbors. We have duties to perform with respect to all to which we must be faithful. To every kind of danger we should pay the most vigilant and unceasing attention, remove the cause where it may be practicable, and be prepared to meet it when inevitable.

Against foreign danger the policy of the Government seems to be already settled. The events of the late war admonished us to make our maritime frontier impregnable by a well-digested chain of fortifications, and to give efficient protection to our commerce by augmenting our Navy to a certain extent, which has been steadily pursued, and which it is incumbent upon us to complete as soon as circumstances will permit. In the event of war it is on the maritime frontier that we shall be assailed. It is in that quarter, therefore, that we should be prepared to meet the attack. It is there that our whole force will be called into action to prevent the destruction of our towns and the desolation and pillage of the interior. To give full effect to this policy great improvements will be indispensable. Access to those works by every practicable communication should be made easy and in every direction. The intercourse between every part of our Union should also be promoted and facilitated by the exercise of those powers which may comport with a faithful regard to the great principles of our Constitution. With respect to internal causes, those great principles point out with equal certainty the policy to be pursued. Resting on the people as our Governments do, State and National, with well-defined powers, it is of the highest importance that they severally keep within the limits prescribed to them. Fulfilling that sacred duty, it is of equal importance that the movement between them be harmonious, and in case of any disagreement, should any such occur, a calm appeal be made to the people, and that their voice be heard and promptly obeyed. Both Governments being instituted for the common good, we can not fail to prosper while those who made them are attentive to the conduct of their representatives and control their measures. In the pursuit of these great objects let a generous spirit and national views and feelings be indulged, and let every part recollect that by cherishing that spirit and improving the condition of the others in what relates to their welfare the general interest will not only be promoted, but the local advantage be reciprocated by all.

I can not conclude this communication, the last of the kind which I shall have to make, without recollecting with great sensibility and heartfelt gratitude the many instances of the public confidence and the generous support which I have received from my fellow-citizens in the various trusts with which I have been honored. Having commenced my service in early youth, and continued it since with few and short intervals, I have witnessed the great difficulties to which our Union has been exposed, and admired the virtue and intelligence with which they have

been surmounted. From the present prosperous and happy state I derive a gratification which I can not express. That these blessings may be preserved and perpetuated will be the object of my fervent and unceasing prayers to the Supreme Ruler of the Universe.

JAMES MONROE.

SPECIAL MESSAGES.

DECEMBER 6, 1824.

To the House of Representatives of the United States:

Agreeably to a resolution of the House of Representatives of the 13th of May last, requesting the President to cause to be made and submitted to the House on the first day of the next [present] session of Congress a full and complete statement of the exact number of lots belonging to the United States in the city of Washington which have been sold by the public agents for that purpose; when sold, by whom, to whom, and for what price each lot was purchased; what part of the purchase money has been paid, the amount due, and by whom due, and when payable; whether the debts are well secured, and whether the money received has been applied, to what purposes, and by whom, I herewith transmit a report and statements from the Commissioner of Public Buildings, which will afford the information required.

JAMES MONROE.

DECEMBER 13, 1824.

To the House of Representatives of the United States:

In compliance with an act of Congress which originated in the House of Representatives, passed the 26th of May, 1824, "to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia military land warrants, lying between Ludlow's and Roberts's lines, in the State of Ohio," I herewith transmit a report, with accompanying documents, from the Commissioner of the General Land Office, shewing the measures which have been taken under the provisions of the aforesaid act.

JAMES MONROE.

WASHINGTON, *December 13, 1824.*

The PRESIDENT OF THE SENATE PRO TEMPORE:

I transmit to the Senate a convention, negotiated and signed by Samuel D. Heap, acting consul of the United States, on the part of the United States, and Mahmoud Bashaw, Bey of Tunis, on the 24th day of February

last, together with copies of Mr. Heap's correspondence appertaining to the negotiation of the same, for the constitutional consideration of the Senate with regard to its ratification.

JAMES MONROE.

WASHINGTON, *December 13, 1824.*

THE PRESIDENT OF THE SENATE OF THE UNITED STATES PRO TEMPORE:

I transmit to the Senate the convention, signed by the plenipotentiaries of the United States and of His Imperial Majesty the Emperor of Russia at St. Petersburg on the 5th (17th) of April last, referred to in my message to both Houses of Congress, together with the documents appertaining to the negotiation of the same, for the constitutional consideration of the Senate with regard to its ratification.

JAMES MONROE.

WASHINGTON, *December 23, 1824.*

To the House of Representatives of the United States:

Agreeably to a resolution of the House of Representatives of the 15th instant, requesting the President to lay before the House a copy of the instructions under which the articles of a treaty with the Cherokee Indians were formed by Daniel Smith and R. J. Meigs, acting as commissioners of the United States, at Telico on the 24th October, 1804, with copies of all the correspondence or other documents relating to that instrument in either of the Executive Departments, with a statement of the causes which prevented an earlier decision upon it, I herewith transmit a report from the Secretary of War, with the documents referred to in it.

JAMES MONROE.

WASHINGTON, *December 23, 1824.*

To the House of Representatives of the United States:

I herewith transmit to the House a report from the Secretary of State, with copies of the correspondence with the Government of France requested by the resolution of the House of the 26th May last.

JAMES MONROE.

DEPARTMENT OF STATE,
Washington, December 23, 1824.

The Secretary of State, to whom has been referred a resolution of the House of Representatives of the 26th of May last, requesting that the President of the United States would lay before that House at the then next session, as early as the public interest would permit, the correspondence which might be held with the Government of France prior to that time on the subject of injuries sustained by citizens of the United States since the year 1806, has the honor of reporting to the President copies of the documents requested by that resolution.

JOHN QUINCY ADAMS.

[Extract of a letter from Mr. Adams (No. 1) to Mr. Sheldon, dated Department of State, Washington, August 13, 1823.]

I have had the honor of receiving your dispatches Nos. 1 and 2, the latter dated the 10th of June. Mr. Gallatin arrived with his family at New York on the 24th of that month.

I inclose herewith copies of the recent correspondence between the Count de Menou, the chargé d'affaires of France, and this Department on various subjects highly interesting to the relations between the two countries.

With regard to the Count's note of the 11th of July, the President received with great satisfaction the testimonial of the Viscount de Chateaubriand to the candor and ability with which Mr. Gallatin has performed the duties of his official station in France. The proposal to renew the negotiation in behalf of the well-founded claims of our citizens upon the French Government in *connection* with a claim on the part of France to special privileges in the ports of Louisiana, which, after a very full discussion, had in the views of this Government been proved utterly groundless, could neither be accepted nor considered as evidence of the same conciliatory spirit. The claims of our citizens are for mere justice; they are for reparation of unquestionable wrongs—for indemnity or restitution of property taken from them or destroyed without shadow or color of right. The claim under the eighth article of the Louisiana convention has nothing to rest upon but a forced construction of the terms of the stipulation, which the American Government considered, and have invariably considered, as totally without foundation. These are elements not to be coupled together in the same negotiation, and while we yet trust to the final sense of justice of France for the adjustment of the righteous claims of our citizens, we still hope that their unquestionable character will ultimately secure to them a consideration unencumbered with other discussions. You will respectfully make this representation to the Viscount de Chateaubriand, with the assurance of the readiness of this Government to discuss the question upon the Louisiana convention further if desired by France, but of our final conviction that it is not to be blended with the claims of our citizens for mere justice.

Count de Menou to Mr. Adams.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, July 11, 1823.

The Honorable SECRETARY OF STATE:

His Excellency the Viscount de Chateaubriand, in announcing to me that Mr. Gallatin was about to leave France, expresses his regret at his departure in such terms that I should do him injustice were I not to use his own expressions. "My correspondence with this minister," he remarks to me, "has caused me to appreciate his talents, his ability, and his attachment to the system of friendship that unites the two powers. It is with regret that I suspend my communications with him."

I esteem myself happy, sir, in conveying to you such sentiments toward the representative of the United States in France, and I should have thought that I had but imperfectly apprehended the design of the Viscount de Chateaubriand had I neglected to communicate them to the Federal Government.

The minister for foreign affairs reminds me also on this occasion that Mr. Gallatin having frequently laid before him claims of Americans against the French Government, he had shown himself disposed to enter upon a general negotiation, in which they should be comprehended with claims of French citizens against the Federal Government at the same time with the arrangement relative to the execution of the eighth article of the treaty of Louisiana. The object of his excellency was to arrive

at a speedy and friendly disposition of all difficulties that might subsist between the two powers, well assured that France and the United States would be found to have the same views of justice and conciliation.

His excellency regrets that Mr. Gallatin, who, he says, "has convinced him how pleasing and advantageous it is to negotiate with a statesman who exhibits candor and ability in his discussions," did not receive from his Government during his stay in France the necessary powers for this double negotiation. But he informs me that the Government of His Majesty remains always disposed to open it, either with Mr. Gallatin should he return with these powers, or with Mr. Sheldon if the Federal Government should think proper to confer them on him.

I greatly desire, sir, to see these propositions acceded to by the Federal Government and to be able to reply to his excellency, as he expresses his wish that an arrangement putting an end to every subject of discussion might soon be expected.

I pray the Secretary of State to receive the renewed assurance of my high consideration.

The chargé d'affaires of France near the United States,

MENOU.

Mr. Adams to Count de Menou.

DEPARTMENT OF STATE,
Washington, August 12, 1823.

The COUNT DE MENOU,
Chargé d'Affaires from France.

SIR: Your letter of the 11th of last month has been submitted to the consideration of the President of the United States, by whom I am directed to express the high satisfaction that he has felt at the manner in which His Excellency the Viscount de Chateaubriand has noticed in his correspondence with you the temporary absence of Mr. Gallatin from France and the terms of regard and esteem with which he notices the character and conduct of that minister. The anxious desire of the President for the promotion of the good understanding between the United States and France could not be more gratified than by the testimonial of His Most Christian Majesty's Government to the good faith and ability with which the minister of the United States at his Court has performed his official duties.

With regard to the assurance of His Excellency the Viscount de Chateaubriand's disposition to enter upon a negotiation with Mr. Gallatin in the event of his return to France, or with Mr. Sheldon during his absence, concerning the claims of citizens of the United States on the Government of France in connection with an arrangement concerning the eighth article of the Louisiana treaty, I am directed to observe that those subjects rest upon grounds so totally different that the Government of the United States can not consent to connect them together in negotiation.

The claims of the citizens of the United States upon the French Government have been of many years' standing, often represented by successive ministers of the United States, and particularly by Mr. Gallatin during a residence of seven years, with a perspicuity of statement and a force of evidence which could leave to the Government of the United States no desire but that they should have been received with friendly attention and no regret but that they should have proved ineffectual. The justice of these claims has never been denied by France, and while the United States are still compelled to wait for their adjustment, similar and less forceful claims of the subjects of other nations have been freely admitted and liquidated.

A long and protracted discussion has already taken place between the two Governments in relation to the claim of France under the eighth article of the Louisiana convention, the result of which has been a thorough conviction on the part of the American Government that the claim has no foundation in the treaty whatever. The

reasons for this conviction have been so fully set forth in the discussion that it was not anticipated a further examination of it would be thought desirable. As a subject of discussion, however, the American Government is willing to resume it whenever it may suit the views of France to present further considerations relating to it; but while convinced that the claim is entirely without foundation, they can not place it on a footing of concurrent negotiation with claims of their citizens, the justice of which is so unequivocal that they have not even been made the subject of denial.

From the attention which His Excellency the Viscount de Chateaubriand has intimated his willingness to give to the consideration of these claims the President indulges the hope that they will be taken into view upon their own merits, and in that hope the representative of the United States at Paris will at an early day be instructed to present them again to the undivided and unconditional sense of the justice of France.

I pray you, sir, to accept the renewed assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

[Extract of a letter from Mr. Sheldon (No. 11) to Mr. Adams, dated Paris, October 16, 1823.]

I took an early occasion after the receipt of your dispatch No. 1, of the 10th August, to communicate the subjects of it in a conversation I had with Viscount de Chateaubriand. His observations in relation to that of the claims, as connected with the pretensions of France under the Louisiana treaty, were of a very general nature and amounted to little more than a repetition of his readiness to enter upon the consideration of whatever subjects of discussion might exist between the two countries and the expression of his satisfaction at the prospect of being soon relieved from the labor which the affairs of Spain had thrown upon him, and having thus more time to devote to those of the United States and others not of the same pressing nature. He avoided any intimation of a disposition to take up the claims by themselves, and it can hardly be expected that the French Government will at this time relax from the ground they have so lately taken upon that point. I informed him that I should communicate in writing an answer to the overture made by Count de Menou at Washington for uniting in a new negotiation this subject with that of the Louisiana treaty, in substance the same as that gentleman had already received there, and should again press upon the French Government the consideration of the claims by themselves; to which he replied that any communication I might make would be received and treated with all the attention to which it was entitled on his part.

Mr. Sheldon to the Viscount de Chateaubriand.

PARIS, *October 11, 1823.*

SIR: Mr. Gallatin, during his residence as minister of the United States in France, had upon various occasions called the attention of His Majesty's Government to the claims of our citizens for the reparation of wrongs sustained by them from the unjust seizure, detention, and confiscation of their property by officers and agents acting under authority of the Government of France. During the past year His Majesty's ministers had consented to enter upon the consideration of these claims, but they proposed to couple with it another subject having no connection with those claims, either in its nature, its origin, or the principles on which it depended—a question of the disputed construction of one of the articles of the treaty of cession of Louisiana, by virtue of which France claimed certain commercial privileges in the ports of that Province. Mr. Gallatin had not received from his Government any authority to connect these two dissimilar subjects in the same negotiation, or, indeed, to treat upon the latter, which had already been very amply discussed at Washington between the Secretary of State of the United States and His Majesty's minister at that place,

without producing any result except a conviction on the part of the Government of the United States that the privileges for French vessels, as claimed by the minister of France, never could have been, and were not in fact, conceded by the treaty in question. A stop was then put to the negotiations already commenced in relation to the claims, and with which had been united, on the proposition of the French Government, and as being naturally connected with it, the consideration of certain claims of French citizens on the Government of the United States.

The chargé d'affaires of France at Washington has lately, on behalf of his Government, expressed to that of the United States a wish that this double negotiation might be resumed and that a definitive arrangement might be made as well in relation to the disputed article of the Louisiana treaty as of the subject of the claims upon the one side and upon the other. The Government of the United States has nothing more at heart than to remove by friendly arrangements every subject of difference which may exist between the two countries, and to examine with the greatest impartiality and good faith as well the nature and extent of the stipulations into which they have entered as the appeals to their justice made by individuals claiming reparation for wrongs supposed to have been sustained at their hands.

But these two subjects are essentially dissimilar; there are no points of connection between them; the principles upon which they depend are totally different; they have no bearing upon each other; and the justice which is due to individuals ought not to be delayed or made dependent upon the right or the wrong interpretation by one or the other party of a treaty having for its object the regulation of entirely distinct and different interests.

The reclamations of American citizens upon the Government of France are for mere justice—for the reparation of unquestionable wrongs, indemnity or restitution of property taken from them or destroyed forcibly and without right. They are of ancient date, and justice has been long and anxiously waited for. They have been often represented to the Government of France, and their validity is not disputed. Similar reclamations without greater merit or stronger titles to admission presented by citizens of other nations have been favorably received, examined, and liquidated, and it seems to have been hitherto reserved to those of the United States alone to meet with impediments at every juncture and to seek in vain the moment in which the Government of France could consent to enter upon their consideration. Although the question arising under the eighth article of the Louisiana treaty has already been fully examined, the Government of the United States is ready, if it is desired by France, and if it is thought that any new light can be thrown upon it, to discuss the subject further whenever it shall be presented anew by France to their consideration. But they are convinced that by blending it with the claims not only will no progress be made toward its solution, but that these last, standing upon their own unquestionable character, ought not to be trammeled with a subject to which they are wholly foreign.

I am instructed to bring them anew before your excellency, and to express the hope of the President that His Majesty's Government will not continue to insist upon connecting together two subjects of so different a nature, but that the claims may be taken up on their own merits and receive the consideration which they deserve, unencumbered with other discussions.

I request your excellency to accept the assurance, etc.

D. SHELDON.

[Extracts of a letter from the Secretary of State to Mr. Brown, dated Washington, December 23, 1823.]

You will immediately after your reception earnestly call the attention of the French Government to the claims of our citizens for indemnity.

You will at the same time explicitly make known that this Government can not consent to connect this discussion with that of the pretension raised by France on the construction given by her to the eighth article of the Louisiana cession treaty. The difference in the nature and character of the two interests is such that they can not with propriety be blended together. The claims are of reparation to individuals for their property taken from them by manifest and undisputed wrong. The question upon the Louisiana treaty is a question of *right* upon the meaning of a contract. It has been fully, deliberately, and thoroughly investigated, and the Government of the United States is under the entire and solemn conviction that the pretension of France is utterly unfounded. We are, nevertheless, willing to resume the discussion if desired by France; but to refuse justice to individuals unless the United States will accede to the construction of an article in a treaty contrary to what they believe to be its real meaning would be not only incompatible with the principles of equity, but submitting to a species of compulsion derogatory to the honor of the nation.

[Extract of a letter (No. 2) from James Brown, envoy extraordinary and minister plenipotentiary of the United States, dated April 28, 1824.]

I have in a letter to M. de Chateaubriand, copy of which I have now the honor to send, made an effort to separate the claims of our citizens from the Louisiana question.

Mr. Brown to M. de Chateaubriand.

PARIS, *April 28, 1824.*

His Excellency VISCOUNT DE CHATEAUBRIAND,
Minister of Foreign Affairs, etc.

SIR: In the conference with which your excellency honored me a few days ago I mentioned a subject deeply interesting to many citizens of the United States, on which I have been instructed to address your excellency, and to which I earnestly wish to call your immediate attention.

It is well known to your excellency that my predecessor, Mr. Gallatin, during several years made repeated and urgent applications to His Majesty's Government for the adjustment of claims to a very large amount, affecting the interests of American citizens and originating in gross violations of the law of nations and of the rights of the United States, and that he never could obtain from France either a settlement of those claims or even an examination and discussion of their validity. To numerous letters addressed by him to His Majesty's ministers on that subject either no answers were given or answers which had for their only object to postpone the investigation of the subject. Whilst, however, he indulged the hope that these delays would be abandoned, and that the rights of our citizens, which had been urged for so many years, would at length be taken up for examination, he learned with surprise and regret that His Majesty's Government had determined to insist that they should be discussed in connection with the question of the construction of the eighth article of the Louisiana treaty of cession. Against this determination he strongly but ineffectually remonstrated in a letter to Mr. De Villele, dated the 12th November, 1822.

It is notorious that the Government of the United States, whenever requested by that of His Majesty, have uniformly agreed to discuss any subject presented for their consideration, whether the object has been to obtain the redress of public or private injuries. Acting upon this principle, the question of the eighth article of the Louisiana treaty was, upon the suggestion of the minister of France, made the subject of a voluminous correspondence, in the course of which all the arguments of the parties respectively were fully made known to each other and examined. The result of this discussion has been a thorough conviction on the part of the Government of the United States that the construction of that article of the treaty contended for by France is destitute of any solid foundation and wholly inadmissible. After a

discussion so full as to exhaust every argument on that question, the attempt to renew it in connection with the question of the claims of our citizens appeared to the Government of the United States to be a measure so contrary to the fair and regular course of examining controverted points between nations that they instructed Mr. Sheldon, their chargé d'affaires, to prepare and present a note explaining their views of the proceeding, which he delivered on the 11th of October, 1823. To this note no answer has ever been received.

I have the express instructions of the Government again to call the attention of that of His Majesty to this subject, and to insist that the claims of our citizens may continue to be discussed as a distinct question, without connecting it in any way with the construction of the Louisiana treaty. The two subjects are in every respect dissimilar. The difference in the nature and character of the two interests is such as to prevent them from being blended in the same discussion. The claims against France are of reparation to individuals for their property taken from them by undisputed wrong and injustice; the claim of France under the treaty is that of a right founded on a contract. In the examination of these questions the one can impart no light to the other; they are wholly unconnected, and ought on every principle to undergo a distinct and separate examination. To involve in the same investigation the indisputable rights of American citizens to indemnity for losses and the doubtful construction of a treaty can have no other effect than to occasion an indefinite postponement of the reparation due to individuals or a sacrifice on the part of the Government of the United States of a treaty stipulation in order to obtain that reparation. The United States would hope that such an alternative will not be pressed upon them by the Government of His Majesty.

Whilst I indulge a hope that the course to which I have objected will no longer be insisted on by His Majesty's ministers, permit me to renew to your excellency the sincere assurance that the United States earnestly desire that every subject of difference between the two countries should be amicably adjusted and all their relations placed upon the most friendly footing. Although they believe that any further discussion of the eighth article of the Louisiana treaty would be wholly unprofitable, they will be at all times ready to renew the discussion of that article or to examine any question which may remain to be adjusted between them and France.

I request your excellency to accept, etc.

JAMES BROWN.

[Extract of a letter (No. 3) from James Brown to the Secretary of State, dated Paris, May 11, 1824.]

I have the honor to inclose a copy of the answer of the minister of foreign affairs to the letter which I addressed to him on the 27th ultimo, upon the subject of the claims of our citizens against the French Government. You will perceive that no change has been made in the determination expressed to Mr. Gallatin of connecting in the same discussion the question on the eighth article of the Louisiana treaty of cession and the claims of the citizens of the United States against France. In expressing this resolution it has not been considered necessary even to notice the arguments made use of to induce them to adopt a different opinion.

Viscount Chateaubriand to Mr. Brown.

[Translation.]

PARIS, *May 7, 1824.*

SIR: The object of the letter which you did me the honor to address to me on the 28th of April is to recall the affair of American claims, already repeatedly called up by your predecessors, that they may be regulated by an arrangement between the two powers, and that in this negotiation the examination of the difficulties which

were raised about the execution of the eighth article of the Louisiana treaty should not be included.

Although the claims made by France upon this last point be of a different nature from those of the Americans, yet no less attention ought to be paid to arrange both in a just and amicable manner.

Our claims upon the eighth article had already been laid before the Federal Government by His Majesty's plenipotentiary when he was negotiating the commercial convention of 24th June, 1822.

The negotiators not agreeing upon a subject so important, the King's Government did not wish this difficulty to suspend any longer the conclusion of an arrangement which might give more activity to commerce and multiply relations equally useful to the two powers. It reserves to itself the power of comprehending this object in another negotiation, and it does not renounce in any manner the claim which it urged.

It is for this reason, sir, that my predecessors and myself have constantly insisted that the arrangements to be made upon the eighth article of the Louisiana treaty should be made a part of those which your Government were desirous of making upon other questions still at issue.

It is the intention of His Majesty not to leave unsettled any subject of grave discussion between the two States, and the King is too well convinced of the friendly sentiments of your Government not to believe that the United States will be disposed to agree with France on all the points.

His Majesty authorizes me, sir, to declare to you that a negotiation will be opened with you upon the American claims if this negotiation should also include the French claims, and particularly the arrangements to be concluded concerning the execution of the eighth article of the Louisiana treaty.

Accept, sir, the assurances of the very distinguished consideration with which I have the honor to be, etc.,

CHATEAUBRIAND.

[Extracts of a letter (No. 4) from the Secretary of State to Mr. Brown, dated Department of State, Washington, August 14, 1824.]

The subject which has first claimed the attention of the President has been the result of your correspondence with the Viscount de Chateaubriand in relation to the claims of numerous citizens of the United States upon the justice of the French Government.

I inclose herewith a copy of the report of the Committee on Foreign Relations of the House of Representatives upon several petitions addressed to that body at their last session by some of those claimants and a resolution of the House adopted thereupon.

The President has deliberately considered the purport of M. de Chateaubriand's answer to your note of the 28th of April upon this subject, and he desires that you will renew with earnestness the application for indemnity to our citizens for claims notoriously just and resting upon the same principle with others which have been admitted and adjusted by the Government of France.

In the note of the Viscount de Chateaubriand to you of 7th May it is said that he is authorized to declare a negotiation will be opened with you upon the American claims if this negotiation should also include French claims, and particularly the arrangements to be concluded concerning the execution of the eighth article of the Louisiana treaty.

You are authorized in reply to declare that any just claims which subjects of France may have upon the Government of the United States will readily be included in the negotiation, and to stipulate any suitable provision for the examination, adjustment, and satisfaction of them.

But the question relating to the eighth article of the Louisiana treaty is not only of a different character—it can not be blended with that of indemnity for individual claims without a sacrifice on the part of the United States of a principle of right. The negotiation for indemnity presupposes that wrong has been done, that indemnity ought to be made, and the object of any treaty stipulation concerning it can only be to ascertain what is justly due and to make provision for the payment of it. By consenting to connect with such a negotiation that relating to the eighth article of the Louisiana convention the United States would abandon the *principle* upon which the whole discussion concerning it depends. The situation of the parties to the negotiation would be unequal. The United States, asking reparation for admitted wrong, are told that France will not discuss it with them unless they will first renounce their own sense of right to admit and discuss with it a claim the *justice* of which they have constantly denied.

The Government of the United States is prepared to renew the discussion with that of France relating to the eighth article of the Louisiana treaty in any manner which may be desired and by which they shall not be understood to admit that France has *any* claim under it whatever.

Mr. Brown to Mr. Adams (*No. 12*).

PARIS, *August 12, 1824.*

SIR: Some very unimportant changes have taken place in the composition of the ministry. The Baron de Damas, late minister of war, is now minister of foreign affairs; the Marquis de Clermont Tonnese is appointed to the department of war, and the Count Chabrol de Crousal to that of the marine.

These appointments are believed to correspond with the wishes of the president of the Council of Ministers, and do not inspire a hope that our claims will be more favorably attended to than they have been under the former administrations. The interpretation of the eighth article of the Louisiana treaty contended for by France will, I apprehend, be persisted in and all indemnity refused until it shall have been discussed and decided. After the correspondence which has already passed upon that article, it would appear that any further discussion upon it would be wholly unprofitable. With a view, however, of ascertaining the opinions of the minister of foreign affairs, I shall at an early day solicit a conference with him, and inform you of the result.

I have had the honor of receiving your letter recommending the claim of Mr. Kingston to my attention. The difficulties which that claim must experience, from its antiquity and from the operation of the treaty of 1803, can not have escaped your observation. It has also to encounter, in common with all our claims, the obstacle presented by the eighth article, which is found broad enough to be used as a shield to protect France, in the opinion of ministers, from the examination and adjustment of any claim which we can present.

I have the honor to be, with great respect, sir, your most obedient and humble servant,

JAMES BROWN.

Mr. Brown to Mr. Adams (*No. 14*).

PARIS, *September 28, 1824.*

SIR: Little has occurred of importance during the present month, except the death of the King. This event had been anticipated for nearly a year; he had declined gradually, and the affairs of the Government have been for some time almost wholly directed by Monsieur, who on his accession to the throne has declared that his reign would be only a continuation of that of the late King. No change in the policy of

the Government is expected, and probably none in the composition of the ministry. The present King is satisfied with Mr. De Villele, who is at its head; and if any of its members should be changed the spirit in which public affairs are directed will not, it is believed, be affected by that circumstance.

The ceremonies attending the change of the Crown have principally occupied the public attention for the last fortnight. It will, I presume, be officially announced by the French minister at Washington, and, according to the forms observed here, will, I understand, require fresh letters of credence for all foreign ministers at this Court, addressed to the new King.

My health has not permitted me (having been confined for some weeks to the bed by a rheumatic affection) to confer with the Baron de Damas on our affairs since his appointment as minister of the foreign department. I should regret this the more if I were not satisfied that the same impulse will direct the decisions of the Government upon these points now as before he had this department in charge, and that no favorable change in those decisions can be expected from any personal influence which might be exerted by the new minister. I shall, however, take the earliest opportunity that my health will allow to mention the subject to him and ascertain what his views of it are.

I have the honor to be, with great respect, sir, your most obedient and humble servant, JAMES BROWN.

[Extracts of a letter from Mr. James Brown to Mr. Adams (No. 16).]

PARIS, *October 23, 1824.*

The packet ship which sailed from New York on the 1st of September brought me the letter which you did me the honor to address to me on the 14th of August.

In conformity with the instructions contained in that letter, I have addressed one to the Baron de Damas, minister of foreign affairs, a copy of which I now inclose. I expect to receive his answer in time to be sent by the packet which will sail from Havre on the 1st of next month, in which event it may probably reach Washington about the 15th of December.

The recent changes which have been made in the ministry, of which I have already informed you, do not justify any very strong expectation that a change of measures in relation to our affairs at this Court will follow. The same individuals fill different places in the ministry from those which they formerly held, but in all probability adhere to their former opinions in relation to the subjects of discussion between the United States and France. On the point to which my letter to the Baron de Damas particularly relates the Count de Villele has already given his deliberate views in his letters to Mr. Gallatin dated 6th and 15th November, 1822, and I have every reason to believe that they remain unchanged. Having bestowed much attention on the subject, it is probable his opinion will be in a great measure decisive as to the answer which shall be given to my letter. It is the opinion of many well-informed men that in the course of a few months important changes will be made in the composition of the ministry. As these changes, however, will proceed from causes wholly unconnected with foreign affairs, I am by no means sanguine in my expectations that under any new composition of the ministry we may hope for a change of policy as it relates to our claims. The eighth article of the Louisiana treaty will be continually put forward as a bar to our claims and its adjustment urged as often as we renew our claim for indemnity.

The Journal des Débats of this morning states that at a superior council of commerce and of the colonies at which His Majesty yesterday presided Mr. De St. Cricq, president of the bureau de commerce, made a report on the commercial convention of the 24th June, 1822, between the United States and France.

Mr. Brown to Baron de Damas.

PARIS, *October 22, 1824.*

His Excellency BARON DE DAMAS,
Minister of Foreign Affairs, etc.

SIR: I availed myself of the earliest opportunity to transmit to my Government a copy of the letter which I had the honor to address to the Viscount de Chateaubriand on the 28th day of April last, together with a copy of his answer to that letter, dated 7th of May.

After a candid and deliberate consideration of the subject of that correspondence, my Government has sent me recent instructions to renew with earnestness the application, already so frequently and so ineffectually made, for indemnity to our citizens for claims notoriously just, and resting on the same principles with others which have been admitted and adjusted by the Government of France.

In reply to that part of the Viscount de Chateaubriand's letter in which he offers to open with me a negotiation upon American claims if that negotiation should also include French claims, and particularly the arrangements to be concluded concerning the eighth article of the Louisiana treaty, I have been instructed to declare that any just claims which the subjects of France may have upon the Government of the United States will readily be embraced in the negotiation, and that I am authorized to stipulate any suitable provision for the examination, adjustment, and satisfaction of them.

The question relating to the eighth article of the Louisiana treaty is viewed by my Government as one of a very different character. It can not be blended with that of indemnity for individual claims without a sacrifice on the part of the United States of a principle of right. Every negotiation for indemnity necessarily presupposes that some wrong has been done, and that indemnity ought to be made; and the object of every treaty stipulation respecting it can only be to ascertain the extent of the injury, and to make provision for its adequate reparation. This is precisely the nature of the negotiation for American claims which has been for so many years the subject of discussion between the Governments of the United States and of France. The wrongs done to our citizens have never been denied, whilst their right to indemnity has been established by acts done by the French Government in cases depending upon the same principles under which they derive their claim. By consenting to connect with such a negotiation that relating to the eighth article of the Louisiana treaty the United States would abandon the principle upon which the whole discussion depends. When asking for reparation for acknowledged wrong the United States have been told that France will not discuss it with them unless they will first renounce their own sense of right and admit and discuss in connection with it a claim the justice of which they have hitherto constantly denied. In any negotiation commenced under such circumstances the situation of the parties would be unequal. By consenting to connect the pretensions of France under the eighth article of the Louisiana treaty with claims for indemnity for acknowledged injustice and injury the United States would be understood as admitting that those pretensions were well founded; that wrong had been done to France for which reparation ought to be made. The Government of the United States, not having yet been convinced that this is the case, can not consent to any arrangement which shall imply an admission so contrary to their deliberate sense of right.

I am authorized and prepared on behalf of the United States to enter upon a further discussion of the eighth article of the Louisiana treaty in any manner which may be desired, and by which they shall not be understood previously to admit that the construction of that article claimed by France is well founded; and also to renew the separate negotiation for American claims, embracing at the same time all just claims which French subjects may have upon the Government of the United States.

The change which has lately taken place in His Majesty's department of foreign affairs encourages the hope that this important subject will be candidly reconsidered; that the obstacles which have arrested the progress of the negotiation may be removed, and that the subjects of contestation between the two Governments may be ultimately adjusted upon such principles as may perpetuate the good understanding and harmony which have so long subsisted between the United States and France.

Should I, however, be disappointed in the result of this application, it is to be seriously apprehended that as the United States have not hitherto seen in the course of the discussion any just claim of France arising from the eighth article of the Louisiana treaty, so in the persevering refusal of the French Government to discuss and adjust the well-founded claims of citizens of the United States to indemnity for wrongs unless in connection with one which they are satisfied is unfounded the United States will ultimately perceive only a determination to deny justice to the claimants.

Permit me respectfully to request that at as early a day as your convenience will allow your excellency will favor me with an answer to this letter.

I embrace with pleasure this occasion to offer to your excellency the renewed assurance, etc.

JAMES BROWN.

WASHINGTON, *December 24, 1824.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 23d December, 1823, requesting that a negotiation should be opened with the British Government "for the cession of so much land on the island of Abaco at or near the Hole-in-the-Wall, and on such other places within the acknowledged dominions of that power on the islands, keys, or shoals of the Bahama Banks as may be necessary for the erection and support of light-houses, beacons, buoys, or floating lights for the security of navigation over or near the said banks, and to be used solely for that purpose," directions were given to the minister of the United States at London on the 1st of January, 1824, to communicate the purport of that resolution to the Government of Great Britain with a view to their acceding to the wish of this; and I transmit to the House copies of Mr. Rush's correspondence upon this subject, communicating the result of his application to the British Government.

JAMES MONROE.

WASHINGTON, *December 28, 1824.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 27th instant, requesting information explanatory of the character and objects of the visit of the naval officer of the United States commanding in the West Indies to the town of Faxyardo, in the island of Porto Rico, on the —— day of November last, I herewith transmit a report of the Secretary of the Navy, with a letter from Commodore Porter, which contains all the information in possession of the Executive on the subject.

Deeming the transactions adverted to of high importance, an order has been sent to Commodore Porter to repair hither without delay, that all the circumstances connected therewith may be fully investigated.

JAMES MONROE.

WASHINGTON, *January 5, 1825.*

To the Senate and House of Representatives of the United States:

As the term of my service in this high trust will expire at the end of the present session of Congress, I think it proper to invite your attention to an object very interesting to me, and which in the movement of our Government is deemed on principle equally interesting to the public. I have been long in the service of my country and in its most difficult conjunctures, as well abroad as at home, in the course of which I have had a control over the public moneys to a vast amount. If in the course of my service it shall appear on the most severe scrutiny, which I invite, that the public have sustained any loss by any act of mine, or of others for which I ought to be held responsible, I am willing to bear it. If, on the other hand, it shall appear on a view of the law and of precedents in other cases that justice has been withheld from me in any instance, as I have believed it to be in many, and greatly to my injury, it is submitted whether it ought not to be rendered. It is my wish that all matters of account and claims between my country and myself be settled with that strict regard to justice which is observed in settlements between individuals in private life. It would be gratifying to me, and it appears to be just, that the subject should be now examined in both respects with a view to a decision hereafter. No bill would, it is presumed, be presented for my signature which would operate either for or against me, and I would certainly sanction none in my favor. While here I can furnish testimony, applicable to any case, in both views, which a full investigation may require, and the committee to whom the subject may be referred, by reporting facts now with a view to a decision after my retirement, will allow time for further information and due consideration of all matters relating thereto. Settlements with a person in this trust, which could not be made with the accounting officers of the Government, should always be made by Congress and before the public. The cause of the delay in presenting these claims will be explained to the committee to whom the subject may be referred. It will, I presume, be made apparent that it was inevitable; that from the peculiar circumstances attending each case Congress alone could decide on it, and that from considerations of delicacy it would have been highly improper for me to have sought it from Congress at an earlier period than that which is now proposed—the expiration of my term in this high trust.

Other considerations appear to me to operate with great force in favor of the measure which I now propose. A citizen who has long served his country in its highest trusts has a right, if he has served with fidelity, to

enjoy undisturbed tranquillity and peace in his retirement. This he can not expect to do unless his conduct in all pecuniary concerns shall be placed by severe scrutiny on a basis not to be shaken. This, therefore, forms a strong motive with me for the inquiry which I now invite. The public may also derive considerable advantage from the precedent in the future movement of the Government. It being known that such scrutiny was made in my case, it may form a new and strong barrier against the abuse of the public confidence in future.

JAMES MONROE.

WASHINGTON, *January 10, 1825.*

To the House of Representatives of the United States:

I should hasten to communicate to you the documents called for by the resolution of the House of Representatives of the 4th instant, relating to the conduct of the officers of the Navy of the United States on the Pacific Ocean and of other public agents in South America, if such a communication might now be made consistently with the public interest or with justice to the parties concerned. In consequence of several charges which have been alleged against Commodore Stewart, touching his conduct while commanding the squadron of the United States on that sea, it has been deemed proper to suspend him from duty and to subject him to trial on these charges. It appearing also that some of those charges have been communicated to the Department by Mr. Prevost, political agent at this time of the United States at Peru, and heretofore at Buenos Ayres and Chile, and apparently with his sanction, and that charges have likewise been made against him by citizens of the United States engaged in commerce in that quarter, it has been thought equally just and proper that he should attend here, as well to furnish the evidence in his possession applicable to the charges exhibited against Commodore Stewart as to answer such as have been exhibited against himself.

In this stage the publication of those documents might tend to excite prejudices which might operate to the injury of both. It is important that the public servants in every station should perform their duty with fidelity, according to the injunctions of the law and the orders of the Executive in fulfillment thereof. It is peculiarly so that this should be done by the commanders of our squadrons, especially on distant seas, and by political agents who represent the United States with foreign powers, for reasons that are obvious in both instances. It is due to their rights and to the character of the Government that they be not censured without just cause, which can not be ascertained until, on a view of the charges, they are heard in their defense, and after a thorough and impartial investigation of their conduct. Under these circumstances it is thought that a communication at this time of those documents would not comport with the public interest nor with what is due to the parties concerned.

JAMES MONROE.

WASHINGTON, *January 13, 1825.*

To the Senate of the United States:

In compliance with two resolutions of the Senate, the first of the 21st and the second of the 23d December last, requesting information respecting the injuries which have been sustained by our citizens by piratical depredations, and other details connected therewith, and requesting also information of the measures which have been adopted for the suppression of piracy, and whether in the opinion of the Executive it will not be necessary to adopt other means for the accomplishment of the object, and, in that event, what other means it will be most advisable to recur to, I herewith transmit a report from the Secretary of State, and likewise a report from the Secretary of the Navy, with the documents referred to in each.

On the very important question submitted to the Executive as to the necessity of recurring to other more effectual means for the suppression of a practice so destructive of the lives and property of our citizens, I have to observe that three expedients occur—one by the pursuit of the offenders to the settled as well as the unsettled parts of the island from whence they issue, another by reprisal on the property of the inhabitants, and a third by the blockade of the ports of those islands. It will be obvious that neither of these measures can be resorted to in a spirit of amity with Spain otherwise than in a firm belief that neither the Government of Spain nor the government of either of the islands has the power to suppress that atrocious practice, and that the United States interposed their aid for the accomplishment of an object which is of equal importance to them as well as to us. Acting on this principle, the facts which justify the proceeding being universally known and felt by all engaged in commerce in that sea, it may fairly be presumed that neither will the Government of Spain nor the government of either of those islands complain of a resort to either of those measures, or to all of them, should such resort be necessary. It is therefore suggested that a power commensurate with either resource be granted to the Executive, to be exercised according to his discretion and as circumstances may imperiously require. It is hoped that the manifestation of a policy so decisive will produce the happiest result; that it will rid these seas and this hemisphere of this practice. This hope is strengthened by the belief that the Government of Spain and the governments of the islands, particularly of Cuba, whose chief is known here, will faithfully cooperate in such measures as may be necessary for the accomplishment of this very important object. To secure such cooperation will be the earnest desire and, of course, the zealous and persevering effort of the Executive.

JAMES MONROE.

WASHINGTON, *January 17, 1825.*

To the Senate of the United States:

I transmit to the Senate, for its advice and consent as to the ratification, a treaty which has been concluded by a commissioner duly authorized for

the purpose with the Quapaw Indians in Arkansas for the cession of their claim to the lands in that Territory. I transmit also a report from the Secretary of War, with other documents, relating to this subject.

JAMES MONROE.

JANUARY 17, 1825.

To the Senate of the United States:

Agreeably to the resolution of the Senate of 19th May last, requesting the President to cause to be laid before the Senate a report "shewing the amount of duties which shall have accrued on importations into the United States for the three quarters of a year ending June 30, 1824; also the amount of duties which would have accrued on the same importations at such higher rates of duty as may be imposed by any act of the present session of Congress," I herewith transmit a report from the Secretary of the Treasury, which contains the information required.

JAMES MONROE.

WASHINGTON, *January 18, 1825.*

To the Senate and House of Representatives of the United States:

I communicate herewith to both Houses of Congress copies of the convention between the United States and His Majesty the Emperor of all the Russias, concluded at St. Petersburg on the 5th (17th) of April last, which has been duly ratified on both sides, and the ratifications of which were exchanged on the 11th instant.

JAMES MONROE.

WASHINGTON, *January 20, 1825.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 19th of December, 1822, requesting the President to communicate "what progress has been made in the execution of the act of the last session entitled 'An act to abolish the Indian trading establishments,' with a report from the factories, respectively, as the same may be made to him," I herewith transmit a report from the Secretary of the Treasury, with documents, which contains the information requested.

JAMES MONROE.

WASHINGTON, *January 27, 1825.*

To the Senate and House of Representatives of the United States:

Being deeply impressed with the opinion that the removal of the Indian tribes from the lands which they now occupy within the limits of the several States and Territories to the country lying westward and northward thereof, within our acknowledged boundaries, is of very high importance to our Union, and may be accomplished on conditions and in a manner to

promote the interest and happiness of those tribes, the attention of the Government has been long drawn with great solicitude to the object. For the removal of the tribes within the limits of the State of Georgia the motive has been peculiarly strong, arising from the compact with that State whereby the United States are bound to extinguish the Indian title to the lands within it whenever it may be done peaceably and on reasonable conditions. In the fulfillment of this compact, I have thought that the United States should act with a generous spirit; that they should omit nothing which should comport with a liberal construction of the instrument and likewise be in accordance with the just rights of those tribes. From the view which I have taken of the subject I am satisfied that in the discharge of these important duties in regard to both the parties alluded to the United States will have to encounter no conflicting interests with either. On the contrary, that the removal of the tribes from the territory which they now inhabit to that which was designated in the message at the commencement of the session, which would accomplish the object for Georgia, under a well-digested plan for their government and civilization, which should be agreeable to themselves, would not only shield them from impending ruin, but promote their welfare and happiness. Experience has clearly demonstrated that in their present state it is impossible to incorporate them in such masses, in any form whatever, into our system. It has also demonstrated with equal certainty that without a timely anticipation of and provision against the dangers to which they are exposed, under causes which it will be difficult, if not impossible, to control, their degradation and extermination will be inevitable.

The great object to be accomplished is the removal of these tribes to the territory designated on conditions which shall be satisfactory to themselves and honorable to the United States. This can be done only by conveying to each tribe a good title to an adequate portion of land to which it may consent to remove, and by providing for it there a system of internal government which shall protect their property from invasion, and, by the regular progress of improvement and civilization, prevent that degeneracy which has generally marked the transition from the one to the other state.

I transmit herewith a report from the Secretary of War, which presents the best estimate which can be formed, from the documents in that Department, of the number of Indians within our States and Territories and of the amount of lands held by the several tribes within each; of the state of the country lying northward and westward thereof, within our acknowledged boundaries; of the parts to which the Indian title has already been extinguished, and of the conditions on which other parts, in an amount which may be adequate to the object contemplated, may be obtained. By this report it appears that the Indian title has already been extinguished to extensive tracts in that quarter, and that other portions may be acquired to the extent desired on very moderate conditions. Satisfied I also am

that the removal proposed is not only practicable, but that the advantages attending it to the Indians may be made so apparent to them that all the tribes, even those most opposed, may be induced to accede to it at no very distant day.

The digest of such a government, with the consent of the Indians, which should be endowed with sufficient power to meet all the objects contemplated—to connect the several tribes together in a bond of amity and preserve order in each; to prevent intrusions on their property; to teach them by regular instruction the arts of civilized life and make them a civilized people—is an object of very high importance. It is the powerful consideration which we have to offer to these tribes as an inducement to relinquish the lands on which they now reside and to remove to those which are designated. It is not doubted that this arrangement will present considerations of sufficient force to surmount all their prejudices in favor of the soil of their nativity, however strong they may be. Their elders have sufficient intelligence to discern the certain progress of events in the present train, and sufficient virtue, by yielding to momentary sacrifices, to protect their families and posterity from inevitable destruction. They will also perceive that they may thus attain an elevation to which as communities they could not otherwise aspire.

To the United States the proposed arrangement offers many important advantages in addition to those which have been already enumerated. By the establishment of such a government over these tribes with their consent we become in reality their benefactors. The relation of conflicting interests which has heretofore existed between them and our frontier settlements will cease. There will be no more wars between them and the United States. Adopting such a government, their movement will be in harmony with us, and its good effect be felt throughout the whole extent of our territory to the Pacific. It may fairly be presumed that, through the agency of such a government, the condition of all the tribes inhabiting that vast region may be essentially improved; that permanent peace may be preserved with them, and our commerce be much extended.

With a view to this important object I recommend it to Congress to adopt, by solemn declaration, certain fundamental principles in accord with those above suggested, as the basis of such arrangements as may be entered into with the several tribes, to the strict observance of which the faith of the nation shall be pledged. I recommend it also to Congress to provide by law for the appointment of a suitable number of commissioners who shall, under the direction of the President, be authorized to visit and explain to the several tribes the objects of the Government, and to make with them, according to their instructions, such arrangements as shall be best calculated to carry those objects into effect.

A negotiation is now depending with the Creek Nation for the cession of lands held by it within the limits of Georgia, and with a reasonable prospect of success. It is presumed, however, that the result will not be

known during the present session of Congress. To give effect to this negotiation and to the negotiations which it is proposed to hold with all the other tribes within the limits of the several States and Territories on the principles and for the purposes stated, it is recommended that an adequate appropriation be now made by Congress.

JAMES MONROE.

WASHINGTON, *January 27, 1825.*

To the Senate of the United States:

I transmit to the Senate a treaty concluded in this city with a deputation from the Choctaw Indians, accompanied with the report from the Secretary of War, with a copy of the correspondence connected with the negotiations, for the advice and consent of the Senate.

JAMES MONROE.

WASHINGTON, *February 2, 1825.*

To the Senate and House of Representatives of the United States:

I communicate herewith to both Houses of Congress copies of the alterations in the treaty of peace and friendship of August, 1797, between the United States and the Bashaw Bey of Tunis, concluded at the Palace of Bardo, near Tunis, on the 24th of February last, and of treaties between the United States and the Sock and Fox tribes of Indians and the Ioway tribe of Indians, concluded at the city of Washington on the 4th of August last, which have been duly ratified.

JAMES MONROE.

WASHINGTON, *February 4, 1825.*

THE PRESIDENT PRO TEMPORE OF THE SENATE:

It appearing by certain provisions contained in a late act of the general assembly of Virginia, entitled "An act incorporating the Chesapeake and Ohio Canal Company," that the assent of Congress will be necessary to carry the said act into effect, I herewith transmit a copy thereof, that it may be considered with a view to the object contemplated.

JAMES MONROE.

[The same message was sent to the House of Representatives.]

WASHINGTON, *February 7, 1825.*

To the House of Representatives of the United States:

I transmit herewith to the House a report from the Secretary of State, with copies of the correspondence relating to the claims of the citizens of the United States upon the Government of the Netherlands, requested by a resolution of the House of the 18th of January last.

JAMES MONROE.

WASHINGTON, *February 11, 1825.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of January 5, I herewith transmit a report from the Secretary of the Navy, with copies of the proceedings of the courts-martial in the cases of Lieutenants Weaver and Conner.

JAMES MONROE.

WASHINGTON, *February 14, 1825.*

To the Senate and House of Representatives of the United States:

I herewith transmit a report from the Secretary of War, with a report to him by the Chief Engineer, of the examination which has been made by the Board of Engineers for Internal Improvement, in obedience to their instructions, of the country between the Potomac and Ohio rivers, between the latter and Lake Erie, between the Allegheny and Schuylkill rivers, the Delaware and the Raritan, between Buzzards and Barnstable bays, and the Narraganset roads and Boston Harbor, with explanatory observations on each route. From the view which I have taken of these reports I contemplate results of incalculable advantage to our Union, because I see in them the most satisfactory proof that certain impediments which had a tendency to embarrass the intercourse between some of its most important sections may be removed without serious difficulty, and that facilities may be afforded in other quarters which will have the happiest effect. Of the right in Congress to promote these great results by the appropriation of the public money, in harmony with the States to be affected by them, having already communicated my sentiments fully and on mature consideration, I deem it unnecessary to enlarge at this time.

JAMES MONROE.

WASHINGTON, *February 16, 1825.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, containing the information called for by their resolution of the 1st of this month, touching the capture and detention of American fishermen during the last season.

JAMES MONROE.

WASHINGTON, *February 17, 1825.*

To the House of Representatives of the United States:

I herewith transmit to the House a report from the Secretary of State, with copies of the correspondence with the Government of France, requested by the resolution of the House of the 25th of January last.

JAMES MONROE.

WASHINGTON, *February 17, 1825.*

To the Senate and House of Representatives of the United States:

I invite the attention of Congress to the peculiar situation of this District in regard to the exposure of its inhabitants to contagious diseases from abroad, against which it is thought that adequate provision should now be made. The exposure being common to the whole District, the regulation should apply to the whole, to make which Congress alone possesses the adequate power. That the regulation should be made by Congress is the more necessary from the consideration that this being the seat of the Government, its protection against such diseases must form one of its principal objects.

JAMES MONROE.

WASHINGTON, *February 21, 1825.*

To the Senate and House of Representatives of the United States:

I transmit herewith a report from the Secretary of War, with a report to him from the Third Auditor, of the settlement in the amount stated of the claims of the State of Massachusetts for services rendered by the militia of that State in the late war, the payment of which has hitherto been prevented by causes which are well known to Congress. Having communicated my sentiments on this subject fully in a message bearing date on the 23d of February, 1824, it is unnecessary to repeat in detail here what I there advanced. By recurring to that message and to the documents referred to in it it will be seen that the conduct of the executive of that State in refusing to place the militia thereof at that difficult conjuncture under the direction of the Executive of the United States, as it was bound to do by a fair construction of the Constitution, and as the other States did, is the great cause to which the difficulty adverted to is to be ascribed. It will also be seen on a view of those documents that the executive of the State was warned at the time if it persevered in the refusal that the consequences which have followed would be inevitable; that the attitude assumed by the State formed a case which was not contemplated by the existing laws of the United States relating to militia services; that the payment of the claims of the State for such services could be provided for by Congress only and by a special law for the purpose. Having made this communication while acting in the Department of War to the governor of Massachusetts, with the sanction and under the direction of my enlightened and virtuous predecessor, it would be improper in any view which may be taken of the subject for me to change the ground then assumed, to withdraw this great question from the consideration of Congress, and to act on it myself. Had the Executive been in error, it is entitled to censure, making a just allowance for the motive which guided it. If its conduct was correct, the ground then assumed ought to be maintained by it. It belongs to Congress alone to terminate

this distressing incident on just principles, with a view to the highest interests of our Union.

From the view which I have taken of the subject I am confirmed in the opinion that Congress should now decide on the claim and allow to the State such portions thereof as are founded on the principles laid down in the former message. If those principles are correct, as on great consideration I am satisfied they are, it appears to me to be just in itself and of high importance that the sums which may be due in conformity therewith should no longer be withheld from the State.

JAMES MONROE.

WASHINGTON, *February 21, 1825.*

THE PRESIDENT OF THE SENATE PRO TEMPORE:

I transmit to the Senate a convention, signed by the plenipotentiaries of the United States and of the Republic of Colombia at Bogota on the 10th of December, 1824, together with the documents appertaining to the negotiation of the same, for the constitutional consideration of the Senate with regard to its ratification.

JAMES MONROE.

WASHINGTON, *February 21, 1825.*

THE PRESIDENT OF THE SENATE PRO TEMPORE:

I transmit to the Senate a convention of general peace, amity, navigation, and commerce, signed by the plenipotentiaries of the United States and of the Republic of Colombia at Bogota on the 3d of October, 1824, together with the documents appertaining to the negotiation of the same, for the constitutional consideration of the Senate with regard to its ratification.

JAMES MONROE.

WASHINGTON, *February 23, 1825.*

To the House of Representatives:

I transmit to the House of Representatives a further report from the Secretary of State, in pursuance of their resolution of the 1st instant, with the papers to which it refers, upon the subject of the capture and detention of American fishermen the past season in the Bay of Fundy.

JAMES MONROE.

WASHINGTON, *February 25, 1825.*

To the Senate and House of Representatives:

I communicate herewith to both Houses of Congress copies of the treaties between the United States and the Quapaw Nation of Indians, concluded at Harringtons, in the Territory of Arkansas, on the 15th day of

November last, and between the United States and the Choctaw Nation of Indians, concluded at the city of Washington on the 20th day of January last, which have been duly ratified.

JAMES MONROE.

WASHINGTON, *February 26, 1825.*

To the Senate and House of Representatives of the United States:

Just before the termination of the last session an act entitled "An act concerning wrecks on the coast of Florida," which then passed, was presented to me with many others and approved, and, as I thought, signed. A report to that effect was then made to Congress. It appeared, however, after the adjournment that the evidence of such approbation had not been attached to it. Whether the act may be considered in force under such circumstances is a point on which it belongs not to me to decide. To remove all doubt on the subject, I submit to the consideration of Congress the propriety of passing a declaratory act to that effect.

JAMES MONROE.

WASHINGTON, *February 28, 1825.*

To the Senate of the United States:

I transmit to the Senate, for the exercise of its constitutional power, a treaty lately concluded at the Indian Springs, by commissioners of the United States duly authorized, with the chiefs of the Creek Nation, assembled there in council, with the documents connected therewith.

JAMES MONROE.

PROCLAMATION.

[From Senate Journal, Eighteenth Congress, second session, p. 269.]

WASHINGTON, *January 19, 1825.*

The President of the United States to ——, Senator for the State of ——:

Certain matters touching the public good requiring that the Senate of the United States should be convened on Friday, the 4th day of March next, you are desired to attend at the Senate Chamber, in the city of Washington, on that day, then and there to receive and deliberate on such communications as shall be made to you.

JAMES MONROE.

John Quincy Adams

March 4, 1825, to March 4, 1829

John Quincy Adams

John Quincy Adams, sixth President of the United States, eldest son of John Adams, second President, was born at Braintree, Mass., July 11, 1767. He enjoyed peculiar and rare advantages for education. In childhood he was instructed by his mother, a granddaughter of Colonel John Quincy, and a woman of superior talents. In 1778, when only 11 years old, he accompanied his father to France; attended a school in Paris, and returned home in August, 1779. Having been taken again to Europe by his father in 1780, he pursued his studies at the University of Leyden, where he learned Latin and Greek. In July, 1781, at the age of 14, he was appointed private secretary to Francis Dana, minister to Russia. He remained at St. Petersburg until October, 1782, after which he resumed his studies at The Hague. Was present at the signing of the definitive treaty of peace in Paris, September 3, 1783. He passed some months with his father in London, and returned to the United States to complete his education, entering Harvard College in 1786 and graduating in 1788. He studied law with the celebrated Theophilus Parsons, of Newburyport; was admitted to the bar in 1791, and began to practice in Boston. In 1791 he published in the Boston Centinel, under the signature of "Publicola," a series of able essays, in which he exposed the fallacies and vagaries of the French political reformers. These papers attracted much attention in Europe and the United States. Under the signature of "Marcellus" he wrote, in 1793, several articles, in which he argued that the United States should observe strict neutrality in the war between the French and the British. These writings commended him to the favor of Washington, and he was appointed minister to Holland in May, 1794. In July, 1797, he married Louisa Catherine Johnson, a daughter of Joshua Johnson, of Maryland, who was then American consul at London. In a letter dated February 20, 1797, Washington commended him highly to the elder Adams, and advised the President elect not to withhold promotion from him because he was his son. He was accordingly appointed minister to Berlin in 1797. He negotiated a treaty of amity and commerce with the Prussian Government, and was recalled about February, 1801. He was elected a Senator of the United States by the Federalists of Massachusetts for the term beginning March, 1803. In 1805 he was appointed professor of rhetoric and belles-lettres at Harvard College, and accepted on condition that he should be permitted to attend to his Senatorial duties. He offended the Federalists by supporting Jefferson's embargo act, which was passed in December, 1807, and thus became connected with the Democratic party. He resigned his seat in the Senate

in March, 1808, declining to serve for the remainder of the term rather than obey the instructions of the Federalists. In March, 1809, he was appointed by President Madison minister to Russia. During his residence in that country he was nominated to be an associate justice of the Supreme Court of the United States, and confirmed February, 1811; but he declined the appointment. In 1813 Adams, Bayard, Clay, Russell, and Gallatin were appointed commissioners to negotiate a treaty of peace with Great Britain. They met the British diplomatists at Ghent, and after a protracted negotiation of six months signed a treaty of peace December 24, 1814. In the spring of 1815 he was appointed minister to the Court of St. James, remaining there until he was appointed by Mr. Monroe Secretary of State in 1817. In 1824 Adams, Jackson, Crawford, and Clay were candidates for the Presidency. Neither of the candidates having received a majority in the electoral colleges, the election devolved on the House of Representatives. Aided by the influence of Henry Clay, Mr. Adams received the votes of thirteen States, and was elected. He was defeated for reelection in 1828 by General Andrew Jackson. On the 4th of March, 1829, he retired to his estate at Quincy. In 1830 he was elected to Congress, and took his seat in December, 1831. He continued to represent his native district for seventeen years, during which time he was constantly at his post. On the 21st of February, 1848, while in his seat at the Capitol, he was stricken with paralysis, and died on the 23d of that month. He was buried at Quincy, Mass.

NOTIFICATION OF ELECTION.

Mr. Webster, from the committee appointed for that purpose yesterday, reported that the committee had waited on John Quincy Adams, of Massachusetts, and had notified him that in the recent election of a President of the United States, no person having received a majority of the votes of all the electors appointed, and the choice having consequently devolved upon the House of Representatives, that House, proceeding in the manner prescribed by the Constitution, did yesterday choose him to be President of the United States for four years, commencing on the 4th day of March next, and that the committee had received a written answer, which he presented to the House. Mr. Webster also reported that in further performance of its duty the committee had given the information of this election to the President.

FEBRUARY 10, 1825.

REPLY OF THE PRESIDENT ELECT.

WASHINGTON, *February 10, 1825.*

GENTLEMEN: In receiving this testimonial from the Representatives of the people and States of this Union I am deeply sensible to the circumstances under which it has been given. All my predecessors in the high

station to which the favor of the House now calls me have been honored with majorities of the electoral voices in their primary colleges. It has been my fortune to be placed by the divisions of sentiment prevailing among our countrymen on this occasion in competition, friendly and honorable, with three of my fellow-citizens, all justly enjoying in eminent degrees the public favor, and of whose worth, talents, and services no one entertains a higher and more respectful sense than myself. The names of two of them were, in the fulfillment of the provisions of the Constitution, presented to the selection of the House in concurrence with my own—names closely associated with the glory of the nation, and one of them further recommended by a larger minority of the primary electoral suffrages than mine.

In this state of things, could my refusal to accept the trust thus delegated to me give an immediate opportunity to the people to form and to express with a nearer approach to unanimity the object of their preference, I should not hesitate to decline the acceptance of this eminent charge and to submit the decision of this momentous question again to their determination. But the Constitution itself has not so disposed of the contingency which would arise in the event of my refusal. I shall therefore repair to the post assigned me by the call of my country, signified through her constitutional organs, oppressed with the magnitude of the task before me, but cheered with the hope of that generous support from my fellow-citizens which, in the vicissitudes of a life devoted to their service, has never failed to sustain me, confident in the trust that the wisdom of the legislative councils will guide and direct me in the path of my official duty, and relying above all upon the superintending providence of that Being in whose hands our breath is and whose are all our ways.

Gentlemen, I pray you to make acceptable to the House the assurance of my profound gratitude for their confidence, and to accept yourselves my thanks for the friendly terms in which you have communicated to me their decision.

JOHN QUINCY ADAMS.

LETTER FROM THE PRESIDENT ELECT.

CITY OF WASHINGTON, *March 1, 1825.*

THE PRESIDENT OF THE SENATE OF THE UNITED STATES.

SIR: I ask the favor of you to inform the honorable Senate of the United States that I propose to take the oath prescribed by the Constitution to the President of the United States before he enters on the execution of his office, on Friday, the 4th instant, at 12 o'clock, in the Hall of the House of Representatives.

I have the honor to be, with the highest respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

INAUGURAL ADDRESS.

In compliance with an usage coeval with the existence of our Federal Constitution, and sanctioned by the example of my predecessors in the career upon which I am about to enter, I appear, my fellow-citizens, in your presence and in that of Heaven to bind myself by the solemnities of religious obligation to the faithful performance of the duties allotted to me in the station to which I have been called.

In unfolding to my countrymen the principles by which I shall be governed in the fulfillment of those duties my first resort will be to that Constitution which I shall swear to the best of my ability to preserve, protect, and defend. That revered instrument enumerates the powers and prescribes the duties of the Executive Magistrate, and in its first words declares the purposes to which these and the whole action of the Government instituted by it should be invariably and sacredly devoted—to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to the people of this Union in their successive generations. Since the adoption of this social compact one of these generations has passed away. It is the work of our forefathers. Administered by some of the most eminent men who contributed to its formation, through a most eventful period in the annals of the world, and through all the vicissitudes of peace and war incidental to the condition of associated man, it has not disappointed the hopes and aspirations of those illustrious benefactors of their age and nation. It has promoted the lasting welfare of that country so dear to us all; it has to an extent far beyond the ordinary lot of humanity secured the freedom and happiness of this people. We now receive it as a precious inheritance from those to whom we are indebted for its establishment, doubly bound by the examples which they have left us and by the blessings which we have enjoyed as the fruits of their labors to transmit the same unimpaired to the succeeding generation.

In the compass of thirty-six years since this great national covenant was instituted a body of laws enacted under its authority and in conformity with its provisions has unfolded its powers and carried into practical operation its effective energies. Subordinate departments have distributed the executive functions in their various relations to foreign affairs, to the revenue and expenditures, and to the military force of the Union by land and sea. A coordinate department of the judiciary has expounded the Constitution and the laws, settling in harmonious coincidence with the legislative will numerous weighty questions of construction which the imperfection of human language had rendered unavoidable. The year of jubilee since the first formation of our Union has just elapsed; that of the declaration of our independence is at hand. The consummation of both was effected by this Constitution.

Since that period a population of four millions has multiplied to twelve. A territory bounded by the Mississippi has been extended from sea to sea. New States have been admitted to the Union in numbers nearly equal to those of the first Confederation. Treaties of peace, amity, and commerce have been concluded with the principal dominions of the earth. The people of other nations, inhabitants of regions acquired not by conquest, but by compact, have been united with us in the participation of our rights and duties, of our burdens and blessings. The forest has fallen by the ax of our woodsmen; the soil has been made to teem by the tillage of our farmers; our commerce has whitened every ocean. The dominion of man over physical nature has been extended by the invention of our artists. Liberty and law have marched hand in hand. All the purposes of human association have been accomplished as effectively as under any other government on the globe, and at a cost little exceeding in a whole generation the expenditure of other nations in a single year.

Such is the unexaggerated picture of our condition under a Constitution founded upon the republican principle of equal rights. To admit that this picture has its shades is but to say that it is still the condition of men upon earth. From evil—physical, moral, and political—it is not our claim to be exempt. We have suffered sometimes by the visitation of Heaven through disease; often by the wrongs and injustice of other nations, even to the extremities of war; and, lastly, by dissensions among ourselves—dissensions perhaps inseparable from the enjoyment of freedom, but which have more than once appeared to threaten the dissolution of the Union, and with it the overthrow of all the enjoyments of our present lot and all our earthly hopes of the future. The causes of these dissensions have been various, founded upon differences of speculation in the theory of republican government; upon conflicting views of policy in our relations with foreign nations; upon jealousies of partial and sectional interests, aggravated by prejudices and prepossessions which strangers to each other are ever apt to entertain.

It is a source of gratification and of encouragement to me to observe that the great result of this experiment upon the theory of human rights has at the close of that generation by which it was formed been crowned with success equal to the most sanguine expectations of its founders. Union, justice, tranquillity, the common defense, the general welfare, and the blessings of liberty—all have been promoted by the Government under which we have lived. Standing at this point of time, looking back to that generation which has gone by and forward to that which is advancing, we may at once indulge in grateful exultation and in cheering hope. From the experience of the past we derive instructive lessons for the future. Of the two great political parties which have divided the opinions and feelings of our country, the candid and the just will now admit that both have contributed splendid talents, spotless integrity, ardent patriotism, and disinterested sacrifices to the formation and administration of this

Government, and that both have required a liberal indulgence for a portion of human infirmity and error. The revolutionary wars of Europe, commencing precisely at the moment when the Government of the United States first went into operation under this Constitution, excited a collision of sentiments and of sympathies which kindled all the passions and imbittered the conflict of parties till the nation was involved in war and the Union was shaken to its center. This time of trial embraced a period of five and twenty years, during which the policy of the Union in its relations with Europe constituted the principal basis of our political divisions and the most arduous part of the action of our Federal Government. With the catastrophe in which the wars of the French Revolution terminated, and our own subsequent peace with Great Britain, this baneful weed of party strife was uprooted. From that time no difference of principle, connected either with the theory of government or with our intercourse with foreign nations, has existed or been called forth in force sufficient to sustain a continued combination of parties or to give more than wholesome animation to public sentiment or legislative debate. Our political creed is, without a dissenting voice that can be heard, that the will of the people is the source and the happiness of the people the end of all legitimate government upon earth; that the best security for the beneficence and the best guaranty against the abuse of power consists in the freedom, the purity, and the frequency of popular elections; that the General Government of the Union and the separate governments of the States are all sovereignties of limited powers, fellow-servants of the same masters, uncontrolled within their respective spheres, uncontrollable by encroachments upon each other; that the firmest security of peace is the preparation during peace of the defenses of war; that a rigorous economy and accountability of public expenditures should guard against the aggravation and alleviate when possible the burden of taxation; that the military should be kept in strict subordination to the civil power; that the freedom of the press and of religious opinion should be inviolate; that the policy of our country is peace and the ark of our salvation union are articles of faith upon which we are all now agreed. If there have been those who doubted whether a confederated representative democracy were a government competent to the wise and orderly management of the common concerns of a mighty nation, those doubts have been dispelled; if there have been projects of partial confederacies to be erected upon the ruins of the Union, they have been scattered to the winds; if there have been dangerous attachments to one foreign nation and antipathies against another, they have been extinguished. Ten years of peace, at home and abroad, have assuaged the animosities of political contention and blended into harmony the most discordant elements of public opinion. There still remains one effort of magnanimity, one sacrifice of prejudice and passion, to be made by the individuals throughout the nation who have heretofore followed the standards of political party. It is that of discarding

every remnant of rancor against each other, of embracing as countrymen and friends, and of yielding to talents and virtue alone that confidence which in times of contention for principle was bestowed only upon those who bore the badge of party communion.

The collisions of party spirit which originate in speculative opinions or in different views of administrative policy are in their nature transitory. Those which are founded on geographical divisions, adverse interests of soil, climate, and modes of domestic life are more permanent, and therefore, perhaps, more dangerous. It is this which gives inestimable value to the character of our Government, at once federal and national. It holds out to us a perpetual admonition to preserve alike and with equal anxiety the rights of each individual State in its own government and the rights of the whole nation in that of the Union. Whatsoever is of domestic concernment, unconnected with the other members of the Union or with foreign lands, belongs exclusively to the administration of the State governments. Whatsoever directly involves the rights and interests of the federative fraternity or of foreign powers is of the resort of this General Government. The duties of both are obvious in the general principle, though sometimes perplexed with difficulties in the detail. To respect the rights of the State governments is the inviolable duty of that of the Union; the government of every State will feel its own obligation to respect and preserve the rights of the whole. The prejudices everywhere too commonly entertained against distant strangers are worn away, and the jealousies of jarring interests are allayed by the composition and functions of the great national councils annually assembled from all quarters of the Union at this place. Here the distinguished men from every section of our country, while meeting to deliberate upon the great interests of those by whom they are deputed, learn to estimate the talents and do justice to the virtues of each other. The harmony of the nation is promoted and the whole Union is knit together by the sentiments of mutual respect, the habits of social intercourse, and the ties of personal friendship formed between the representatives of its several parts in the performance of their service at this metropolis.

Passing from this general review of the purposes and injunctions of the Federal Constitution and their results as indicating the first traces of the path of duty in the discharge of my public trust, I turn to the Administration of my immediate predecessor as the second. It has passed away in a period of profound peace, how much to the satisfaction of our country and to the honor of our country's name is known to you all. The great features of its policy, in general concurrence with the will of the Legislature, have been to cherish peace while preparing for defensive war; to yield exact justice to other nations and maintain the rights of our own; to cherish the principles of freedom and of equal rights wherever they were proclaimed; to discharge with all possible promptitude the national debt; to reduce within the narrowest limits of efficiency the military force;

to improve the organization and discipline of the Army; to provide and sustain a school of military science; to extend equal protection to all the great interests of the nation; to promote the civilization of the Indian tribes, and to proceed in the great system of internal improvements within the limits of the constitutional power of the Union. Under the pledge of these promises, made by that eminent citizen at the time of his first induction to this office, in his career of eight years the internal taxes have been repealed; sixty millions of the public debt have been discharged; provision has been made for the comfort and relief of the aged and indigent among the surviving warriors of the Revolution; the regular armed force has been reduced and its constitution revised and perfected; the accountability for the expenditure of public moneys has been made more effective; the Floridas have been peaceably acquired, and our boundary has been extended to the Pacific Ocean; the independence of the southern nations of this hemisphere has been recognized, and recommended by example and by counsel to the potentates of Europe; progress has been made in the defense of the country by fortifications and the increase of the Navy, toward the effectual suppression of the African traffic in slaves, in alluring the aboriginal hunters of our land to the cultivation of the soil and of the mind, in exploring the interior regions of the Union, and in preparing by scientific researches and surveys for the further application of our national resources to the internal improvement of our country.

In this brief outline of the promise and performance of my immediate predecessor the line of duty for his successor is clearly delineated. To pursue to their consummation those purposes of improvement in our common condition instituted or recommended by him will embrace the whole sphere of my obligations. To the topic of internal improvement, emphatically urged by him at his inauguration, I recur with peculiar satisfaction. It is that from which I am convinced that the unborn millions of our posterity who are in future ages to people this continent will derive their most fervent gratitude to the founders of the Union; that in which the beneficent action of its Government will be most deeply felt and acknowledged. The magnificence and splendor of their public works are among the imperishable glories of the ancient republics. The roads and aqueducts of Rome have been the admiration of all after ages, and have survived thousands of years after all her conquests have been swallowed up in despotism or become the spoil of barbarians. Some diversity of opinion has prevailed with regard to the powers of Congress for legislation upon objects of this nature. The most respectful deference is due to doubts originating in pure patriotism and sustained by venerated authority. But nearly twenty years have passed since the construction of the first national road was commenced. The authority for its construction was then unquestioned. To how many thousands of our countrymen has it proved a benefit? To what single individual has it ever proved an injury? Repeated, liberal, and candid discussions in the Legislature have

conciliated the sentiments and approximated the opinions of enlightened minds upon the question of constitutional power. I can not but hope that by the same process of friendly, patient, and persevering deliberation all constitutional objections will ultimately be removed. The extent and limitation of the powers of the General Government in relation to this transcendently important interest will be settled and acknowledged to the common satisfaction of all, and every speculative scruple will be solved by a practical public blessing.

Fellow-citizens, you are acquainted with the peculiar circumstances of the recent election, which have resulted in affording me the opportunity of addressing you at this time. You have heard the exposition of the principles which will direct me in the fulfillment of the high and solemn trust imposed upon me in this station. Less possessed of your confidence in advance than any of my predecessors, I am deeply conscious of the prospect that I shall stand more and oftener in need of your indulgence. Intentions upright and pure, a heart devoted to the welfare of our country, and the unceasing application of all the faculties allotted to me to her service are all the pledges that I can give for the faithful performance of the arduous duties I am to undertake. To the guidance of the legislative councils, to the assistance of the executive and subordinate departments, to the friendly cooperation of the respective State governments, to the candid and liberal support of the people so far as it may be deserved by honest industry and zeal, I shall look for whatever success may attend my public service; and knowing that "except the Lord keep the city the watchman waketh but in vain," with fervent supplications for His favor, to His overruling providence I commit with humble but fearless confidence my own fate and the future destinies of my country.

March 4, 1825.

FIRST ANNUAL MESSAGE.

Washington, *December 6, 1825.*

Fellow-Citizens of the Senate and of the House of Representatives:

In taking a general survey of the concerns of our beloved country, with reference to subjects interesting to the common welfare, the first sentiment which impresses itself upon the mind is of gratitude to the Omnipotent Disposer of All Good for the continuance of the signal blessings of His providence, and especially for that health which to an unusual extent has prevailed within our borders, and for that abundance which in the vicissitudes of the seasons has been scattered with profusion over our land. Nor ought we less to ascribe to Him the glory that we are permitted to enjoy the bounties of His hand in peace and tranquillity—in peace with

all the other nations of the earth, in tranquillity among ourselves. There has, indeed, rarely been a period in the history of civilized man in which the general condition of the Christian nations has been marked so extensively by peace and prosperity.

Europe, with a few partial and unhappy exceptions, has enjoyed ten years of peace, during which all her Governments, whatever the theory of their constitutions may have been, are successively taught to feel that the end of their institution is the happiness of the people, and that the exercise of power among men can be justified only by the blessings it confers upon those over whom it is extended.

During the same period our intercourse with all those nations has been pacific and friendly; it so continues. Since the close of your last session no material variation has occurred in our relations with any one of them. In the commercial and navigation system of Great Britain important changes of municipal regulation have recently been sanctioned by acts of Parliament, the effect of which upon the interests of other nations, and particularly upon ours, has not yet been fully developed. In the recent renewal of the diplomatic missions on both sides between the two Governments assurances have been given and received of the continuance and increase of the mutual confidence and cordiality by which the adjustment of many points of difference had already been effected, and which affords the surest pledge for the ultimate satisfactory adjustment of those which still remain open or may hereafter arise.

The policy of the United States in their commercial intercourse with other nations has always been of the most liberal character. In the mutual exchange of their respective productions they have abstained altogether from prohibitions; they have interdicted themselves the power of laying taxes upon exports, and whenever they have favored their own shipping by special preferences or exclusive privileges in their own ports it has been only with a view to countervail similar favors and exclusions granted by the nations with whom we have been engaged in traffic to their own people or shipping, and to the disadvantage of ours. Immediately after the close of the last war a proposal was fairly made by the act of Congress of the 3d of March, 1815, to all the maritime nations to lay aside the system of retaliating restrictions and exclusions, and to place the shipping of both parties to the common trade on a footing of equality in respect to the duties of tonnage and impost. This offer was partially and successively accepted by Great Britain, Sweden, the Netherlands, the Hanseatic cities, Prussia, Sardinia, the Duke of Oldenburg, and Russia. It was also adopted, under certain modifications, in our late commercial convention with France, and by the act of Congress of the 8th January, 1824, it has received a new confirmation with all the nations who had acceded to it, and has been offered again to all those who are or may hereafter be willing to abide in reciprocity by it. But all these regulations, whether established by treaty or by municipal enactments, are still subject to one important restriction.

The removal of discriminating duties of tonnage and of impost is limited to articles of the growth, produce, or manufacture of the country to which the vessel belongs or to such articles as are most usually first shipped from her ports. It will deserve the serious consideration of Congress whether even this remnant of restriction may not be safely abandoned, and whether the general tender of equal competition made in the act of 8th January, 1824, may not be extended to include all articles of merchandise not prohibited, of what country soever they may be the produce or manufacture. Propositions to this effect have already been made to us by more than one European Government, and it is probable that if once established by legislation or compact with any distinguished maritime state it would recommend itself by the experience of its advantages to the general accession of all.

The convention of commerce and navigation between the United States and France, concluded on the 24th of June, 1822, was, in the understanding and intent of both parties, as appears upon its face, only a temporary arrangement of the points of difference between them of the most immediate and pressing urgency. It was limited in the first instance to two years from the 1st of October, 1822, but with a proviso that it should further continue in force till the conclusion of a general and definitive treaty of commerce, unless terminated by a notice, six months in advance, of either of the parties to the other. Its operation so far as it extended has been mutually advantageous, and it still continues in force by common consent. But it left unadjusted several objects of great interest to the citizens and subjects of both countries, and particularly a mass of claims to considerable amount of citizens of the United States upon the Government of France of indemnity for property taken or destroyed under circumstances of the most aggravated and outrageous character. In the long period during which continual and earnest appeals have been made to the equity and magnanimity of France in behalf of these claims their justice has not been, as it could not be, denied. It was hoped that the accession of a new Sovereign to the throne would have afforded a favorable opportunity for presenting them to the consideration of his Government. They have been presented and urged hitherto without effect. The repeated and earnest representations of our minister at the Court of France remain as yet even without an answer. Were the demands of nations upon the justice of each other susceptible of adjudication by the sentence of an impartial tribunal, those to which I now refer would long since have been settled and adequate indemnity would have been obtained. There are large amounts of similar claims upon the Netherlands, Naples, and Denmark. For those upon Spain prior to 1819 indemnity was, after many years of patient forbearance, obtained; and those upon Sweden have been lately compromised by a private settlement, in which the claimants themselves have acquiesced. The Governments of Denmark and of Naples have been recently reminded of those yet existing against them,

nor will any of them be forgotten while a hope may be indulged of obtaining justice by the means within the constitutional power of the Executive, and without resorting to those means of self-redress which, as well as the time, circumstances, and occasion which may require them, are within the exclusive competency of the Legislature.

It is with great satisfaction that I am enabled to bear witness to the liberal spirit with which the Republic of Colombia has made satisfaction for well-established claims of a similar character, and among the documents now communicated to Congress will be distinguished a treaty of commerce and navigation with that Republic, the ratifications of which have been exchanged since the last recess of the Legislature. The negotiation of similar treaties with all the independent South American States has been contemplated and may yet be accomplished. The basis of them all, as proposed by the United States, has been laid in two principles—the one of entire and unqualified reciprocity, the other the mutual obligation of the parties to place each other permanently upon the footing of the most favored nation. These principles are, indeed, indispensable to the effectual emancipation of the American hemisphere from the thraldom of colonizing monopolies and exclusions, an event rapidly realizing in the progress of human affairs, and which the resistance still opposed in certain parts of Europe to the acknowledgment of the Southern American Republics as independent States will, it is believed, contribute more effectually to accomplish. The time has been, and that not remote, when some of those States might, in their anxious desire to obtain a nominal recognition, have accepted of a nominal independence, clogged with burdensome conditions, and exclusive commercial privileges granted to the nation from which they have separated to the disadvantage of all others. They are all now aware that such concessions to any European nation would be incompatible with that independence which they have declared and maintained.

Among the measures which have been suggested to them by the new relations with one another, resulting from the recent changes in their condition, is that of assembling at the Isthmus of Panama a congress, at which each of them should be represented, to deliberate upon objects important to the welfare of all. The Republics of Colombia, of Mexico, and of Central America have already deputed plenipotentiaries to such a meeting, and they have invited the United States to be also represented there by their ministers. The invitation has been accepted, and ministers on the part of the United States will be commissioned to attend at those deliberations, and to take part in them so far as may be compatible with that neutrality from which it is neither our intention nor the desire of the other American States that we should depart.

The commissioners under the seventh article of the treaty of Ghent have so nearly completed their arduous labors that, by the report recently received from the agent on the part of the United States, there is reason to

expect that the commission will be closed at their next session, appointed for the 22d of May of the ensuing year.

The other commission, appointed to ascertain the indemnities due for slaves carried away from the United States after the close of the late war, have met with some difficulty, which has delayed their progress in the inquiry. A reference has been made to the British Government on the subject, which, it may be hoped, will tend to hasten the decision of the commissioners, or serve as a substitute for it.

Among the powers specifically granted to Congress by the Constitution are those of establishing uniform laws on the subject of bankruptcies throughout the United States and of providing for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States. The magnitude and complexity of the interests affected by legislation upon these subjects may account for the fact that, long and often as both of them have occupied the attention and animated the debates of Congress, no systems have yet been devised for fulfilling to the satisfaction of the community the duties prescribed by these grants of power. To conciliate the claim of the individual citizen to the enjoyment of personal liberty, with the effective obligation of private contracts, is the difficult problem to be solved by a law of bankruptcy. These are objects of the deepest interest to society, affecting all that is precious in the existence of multitudes of persons, many of them in the classes essentially dependent and helpless, of the age requiring nurture, and of the sex entitled to protection from the free agency of the parent and the husband. The organization of the militia is yet more indispensable to the liberties of the country. It is only by an effective militia that we can at once enjoy the repose of peace and bid defiance to foreign aggression; it is by the militia that we are constituted an armed nation, standing in perpetual panoply of defense in the presence of all the other nations of the earth. To this end it would be necessary, if possible, so to shape its organization as to give it a more united and active energy. There are laws for establishing an uniform militia throughout the United States and for arming and equipping its whole body. But it is a body of dislocated members, without the vigor of unity and having little of uniformity but the name. To infuse into this most important institution the power of which it is susceptible and to make it available for the defense of the Union at the shortest notice and at the smallest expense possible of time, of life, and of treasure are among the benefits to be expected from the persevering deliberations of Congress.

Among the unequivocal indications of our national prosperity is the flourishing state of our finances. The revenues of the present year, from all their principal sources, will exceed the anticipations of the last. The balance in the Treasury on the 1st of January last was a little short of $2,000,000, exclusive of two millions and a half, being the moiety of the

loan of five millions authorized by the act of 26th of May, 1824. The receipts into the Treasury from the 1st of January to the 30th of September, exclusive of the other moiety of the same loan, are estimated at $16,500,000, and it is expected that those of the current quarter will exceed $5,000,000, forming an aggregate of receipts of nearly twenty-two millions, independent of the loan. The expenditures of the year will not exceed that sum more than two millions. By those expenditures nearly eight millions of the principal of the public debt have been discharged. More than a million and a half has been devoted to the debt of gratitude to the warriors of the Revolution; a nearly equal sum to the construction of fortifications and the acquisition of ordnance and other permanent preparations of national defense; half a million to the gradual increase of the Navy; an equal sum for purchases of territory from the Indians and payment of annuities to them; and upward of a million for objects of internal improvement authorized by special acts of the last Congress. If we add to these $4,000,000 for payment of interest upon the public debt, there remains a sum of about seven millions, which have defrayed the whole expense of the administration of Government in its legislative, executive, and judiciary departments, including the support of the military and naval establishments and all the occasional contingencies of a government coextensive with the Union.

The amount of duties secured on merchandise imported since the commencement of the year is about twenty-five millions and a half, and that which will accrue during the current quarter is estimated at five millions and a half; from these thirty-one millions, deducting the drawbacks, estimated at less than seven millions, a sum exceeding twenty-four millions will constitute the revenue of the year, and will exceed the whole expenditures of the year. The entire amount of the public debt remaining due on the 1st of January next will be short of $81,000,000.

By an act of Congress of the 3d of March last a loan of $12,000,000 was authorized at 4½ per cent, or an exchange of stock to that amount of 4½ per cent for a stock of 6 per cent, to create a fund for extinguishing an equal amount of the public debt, bearing an interest of 6 per cent, redeemable in 1826. An account of the measures taken to give effect to this act will be laid before you by the Secretary of the Treasury. As the object which it had in view has been but partially accomplished, it will be for the consideration of Congress whether the power with which it clothed the Executive should not be renewed at an early day of the present session, and under what modifications.

The act of Congress of the 3d of March last, directing the Secretary of the Treasury to subscribe, in the name and for the use of the United States, for 1,500 shares of the capital stock of the Chesapeake and Delaware Canal Company, has been executed by the actual subscription for the amount specified; and such other measures have been adopted by that officer, under the act, as the fulfillment of its intentions requires.

The latest accounts received of this important undertaking authorize the belief that it is in successful progress.

The payments into the Treasury from the proceeds of the sales of the public lands during the present year were estimated at $1,000,000. The actual receipts of the first two quarters have fallen very little short of that sum; it is not expected that the second half of the year will be equally productive, but the income of the year from that source may now be safely estimated at a million and a half. The act of Congress of 18th May, 1824, to provide for the extinguishment of the debt due to the United States by the purchasers of public lands, was limited in its operation of relief to the purchaser to the 10th of April last. Its effect at the end of the quarter during which it expired was to reduce that debt from ten to seven millions. By the operation of similar prior laws of relief, from and since that of 2d March, 1821, the debt had been reduced from upward of twenty-two millions to ten. It is exceedingly desirable that it should be extinguished altogether; and to facilitate that consummation I recommend to Congress the revival for one year more of the act of 18th May, 1824, with such provisional modification as may be necessary to guard the public interests against fraudulent practices in the resale of the relinquished land. The purchasers of public lands are among the most useful of our fellow-citizens, and since the system of sales for cash alone has been introduced great indulgence has been justly extended to those who had previously purchased upon credit. The debt which had been contracted under the credit sales had become unwieldy, and its extinction was alike advantageous to the purchaser and to the public. Under the system of sales, matured as it has been by experience, and adapted to the exigencies of the times, the lands will continue as they have become, an abundant source of revenue; and when the pledge of them to the public creditor shall have been redeemed by the entire discharge of the national debt, the swelling tide of wealth with which they replenish the common Treasury may be made to reflow in unfailing streams of improvement from the Atlantic to the Pacific Ocean.

The condition of the various branches of the public service resorting from the Department of War, and their administration during the current year, will be exhibited in the report of the Secretary of War and the accompanying documents herewith communicated. The organization and discipline of the Army are effective and satisfactory. To counteract the prevalence of desertion among the troops it has been suggested to withhold from the men a small portion of their monthly pay until the period of their discharge; and some expedient appears to be necessary to preserve and maintain among the officers so much of the art of horsemanship as could scarcely fail to be found wanting on the possible sudden eruption of a war, which should take us unprovided with a single corps of cavalry. The Military Academy at West Point, under the restrictions of a severe but paternal superintendence, recommends itself more and

more to the patronage of the nation, and the numbers of meritorious officers which it forms and introduces to the public service furnishes the means of multiplying the undertakings of public improvements to which their acquirements at that institution are peculiarly adapted. The school of artillery practice established at Fortress Monroe is well suited to the same purpose, and may need the aid of further legislative provision to the same end. The reports of the various officers at the head of the administrative branches of the military service, connected with the quartering, clothing, subsistence, health, and pay of the Army, exhibit the assiduous vigilance of those officers in the performance of their respective duties, and the faithful accountability which has pervaded every part of the system.

Our relations with the numerous tribes of aboriginal natives of this country, scattered over its extensive surface and so dependent even for their existence upon our power, have been during the present year highly interesting. An act of Congress of 25th of May, 1824, made an appropriation to defray the expenses of making treaties of trade and friendship with the Indian tribes beyond the Mississippi. An act of 3d of March, 1825, authorized treaties to be made with the Indians for their consent to the making of a road from the frontier of Missouri to that of New Mexico, and another act of the same date provided for defraying the expenses of holding treaties with the Sioux, Chippeways, Menomenees, Sauks, Foxes, etc., for the purpose of establishing boundaries and promoting peace between said tribes. The first and the last objects of these acts have been accomplished, and the second is yet in a process of execution. The treaties which since the last session of Congress have been concluded with the several tribes will be laid before the Senate for their consideration conformably to the Constitution. They comprise large and valuable acquisitions of territory, and they secure an adjustment of boundaries and give pledges of permanent peace between several tribes which had been long waging bloody wars against each other.

On the 12th of February last a treaty was signed at the Indian Springs between commissioners appointed on the part of the United States and certain chiefs and individuals of the Creek Nation of Indians, which was received at the seat of Government only a very few days before the close of the last session of Congress and of the late Administration. The advice and consent of the Senate was given to it on the 3d of March, too late for it to receive the ratification of the then President of the United States; it was ratified on the 7th of March, under the unsuspecting impression that it had been negotiated in good faith and in the confidence inspired by the recommendation of the Senate. The subsequent transactions in relation to this treaty will form the subject of a separate communication.

The appropriations made by Congress for public works, as well in the construction of fortifications as for purposes of internal improvement, so far as they have been expended, have been faithfully applied. Their

progress has been delayed by the want of suitable officers for superintending them. An increase of both the corps of engineers, military and topographical, was recommended by my predecessor at the last session of Congress. The reasons upon which that recommendation was founded subsist in all their force and have acquired additional urgency since that time. It may also be expedient to organize the topographical engineers into a corps similar to the present establishment of the Corps of Engineers. The Military Academy at West Point will furnish from the cadets annually graduated there officers well qualified for carrying this measure into effect.

The Board of Engineers for Internal Improvement, appointed for carrying into execution the act of Congress of 30th of April, 1824, "to procure the necessary surveys, plans, and estimates on the subject of roads and canals," have been actively engaged in that service from the close of the last session of Congress. They have completed the surveys necessary for ascertaining the practicability of a canal from the Chesapeake Bay to the Ohio River, and are preparing a full report on that subject, which, when completed, will be laid before you. The same observation is to be made with regard to the two other objects of national importance upon which the Board have been occupied, namely, the accomplishment of a national road from this city to New Orleans, and the practicability of uniting the waters of Lake Memphramagog with Connecticut River and the improvement of the navigation of that river. The surveys have been made and are nearly completed. The report may be expected at an early period during the present session of Congress.

The acts of Congress of the last session relative to the surveying, marking, or laying out roads in the Territories of Florida, Arkansas, and Michigan, from Missouri to Mexico, and for the continuation of the Cumberland road, are, some of them, fully executed, and others in the process of execution. Those for completing or commencing fortifications have been delayed only so far as the Corps of Engineers has been inadequate to furnish officers for the necessary superintendence of the works. Under the act confirming the statutes of Virginia and Maryland incorporating the Chesapeake and Ohio Canal Company, three commissioners on the part of the United States have been appointed for opening books and receiving subscriptions, in concert with a like number of commissioners appointed on the part of each of those States. A meeting of the commissioners has been postponed, to await the definitive report of the board of engineers. The light-houses and monuments for the safety of our commerce and mariners, the works for the security of Plymouth Beach and for the preservation of the islands in Boston Harbor, have received the attention required by the laws relating to those objects respectively. The continuation of the Cumberland road, the most important of them all, after surmounting no inconsiderable difficulty in fixing upon the direction of the road, has commenced under the most promising auspices,

with the improvements of recent invention in the mode of construction, and with the advantage of a great reduction in the comparative cost of the work.

The operation of the laws relating to the Revolutionary pensioners may deserve the renewed consideration of Congress. The act of the 18th of March, 1818, while it made provision for many meritorious and indigent citizens who had served in the War of Independence, opened a door to numerous abuses and impositions. To remedy this the act of 1st May, 1820, exacted proofs of absolute indigence, which many really in want were unable and all susceptible of that delicacy which is allied to many virtues must be deeply reluctant to give. The result has been that some among the least deserving have been retained, and some in whom the requisites both of worth and want were combined have been stricken from the list. As the numbers of these venerable relics of an age gone by diminish; as the decays of body, mind, and estate of those that survive must in the common course of nature increase, should not a more liberal portion of indulgence be dealt out to them? May not the want in most instances be inferred from the demand when the service can be proved, and may not the last days of human infirmity be spared the mortification of purchasing a pittance of relief only by the exposure of its own necessities? I submit to Congress the expediency of providing for individual cases of this description by special enactment, or of revising the act of the 1st of May, 1820, with a view to mitigate the rigor of its exclusions in favor of persons to whom charity now bestowed can scarcely discharge the debt of justice.

The portion of the naval force of the Union in actual service has been chiefly employed on three stations—the Mediterranean, the coasts of South America bordering on the Pacific Ocean, and the West Indies. An occasional cruiser has been sent to range along the African shores most polluted by the traffic of slaves; one armed vessel has been stationed on the coast of our eastern boundary, to cruise along the fishing grounds in Hudsons Bay and on the coast of Labrador, and the first service of a new frigate has been performed in restoring to his native soil and domestic enjoyments the veteran hero whose youthful blood and treasure had freely flowed in the cause of our country's independence, and whose whole life has been a series of services and sacrifices to the improvement of his fellow-men. The visit of General Lafayette, alike honorable to himself and to our country, closed, as it had commenced, with the most affecting testimonials of devoted attachment on his part, and of unbounded gratitude of this people to him in return. It will form hereafter a pleasing incident in the annals of our Union, giving to real history the intense interest of romance and signally marking the unpurchasable tribute of a great nation's social affections to the disinterested champion of the liberties of human-kind.

The constant maintenance of a small squadron in the Mediterranean

is a necessary substitute for the humiliating alternative of paying tribute for the security of our commerce in that sea, and for a precarious peace, at the mercy of every caprice of four Barbary States, by whom it was liable to be violated. An additional motive for keeping a respectable force stationed there at this time is found in the maritime war raging between the Greeks and the Turks, and in which the neutral navigation of this Union is always in danger of outrage and depredation. A few instances have occurred of such depredations upon our merchant vessels by privateers or pirates wearing the Grecian flag, but without real authority from the Greek or any other Government. The heroic struggles of the Greeks themselves, in which our warmest sympathies as freemen and Christians have been engaged, have continued to be maintained with vicissitudes of success adverse and favorable.

Similar motives have rendered expedient the keeping of a like force on the coasts of Peru and Chile on the Pacific. The irregular and convulsive character of the war upon the shores has been extended to the conflicts upon the ocean. An active warfare has been kept up for years with alternate success, though generally to the advantage of the American patriots. But their naval forces have not always been under the control of their own Governments. Blockades, unjustifiable upon any acknowledged principles of international law, have been proclaimed by officers in command, and though disavowed by the supreme authorities, the protection of our own commerce against them has been made cause of complaint and erroneous imputations against some of the most gallant officers of our Navy. Complaints equally groundless have been made by the commanders of the Spanish royal forces in those seas; but the most effective protection to our commerce has been the flag and the firmness of our own commanding officers. The cessation of the war by the complete triumph of the patriot cause has removed, it is hoped, all cause of dissension with one party and all vestige of force of the other. But an unsettled coast of many degrees of latitude forming a part of our own territory and a flourishing commerce and fishery extending to the islands of the Pacific and to China still require that the protecting power of the Union should be displayed under its flag as well upon the ocean as upon the land.

The objects of the West India Squadron have been to carry into execution the laws for the suppression of the African slave trade; for the protection of our commerce against vessels of piratical character, though bearing commissions from either of the belligerent parties; for its protection against open and unequivocal pirates. These objects during the present year have been accomplished more effectually than at any former period. The African slave trade has long been excluded from the use of our flag, and if some few citizens of our country have continued to set the laws of the Union as well as those of nature and humanity at defiance by persevering in that abominable traffic, it has been only by

sheltering themselves under the banners of other nations less earnest for the total extinction of the trade than ours. The irregular privateers have within the last year been in a great measure banished from those seas, and the pirates for months past appear to have been almost entirely swept away from the borders and the shores of the two Spanish islands in those regions. The active, persevering, and unremitted energy of Captain Warrington and of the officers and men under his command on that trying and perilous service have been crowned with signal success, and are entitled to the approbation of their country. But experience has shown that not even a temporary suspension or relaxation from assiduity can be indulged on that station without reproducing piracy and murder in all their horrors; nor is it probable that for years to come our immensely valuable commerce in those seas can navigate in security without the steady continuance of an armed force devoted to its protection.

It were, indeed, a vain and dangerous illusion to believe that in the present or probable condition of human society a commerce so extensive and so rich as ours could exist and be pursued in safety without the continual support of a military marine—the only arm by which the power of this Confederacy can be estimated or felt by foreign nations, and the only standing military force which can never be dangerous to our own liberties at home. A permanent naval peace establishment, therefore, adapted to our present condition, and adaptable to that gigantic growth with which the nation is advancing in its career, is among the subjects which have already occupied the foresight of the last Congress, and which will deserve your serious deliberations. Our Navy, commenced at an early period of our present political organization upon a scale commensurate with the incipient energies, the scanty resources, and the comparative indigence of our infancy, was even then found adequate to cope with all the powers of Barbary, save the first, and with one of the principal maritime powers of Europe.

At a period of further advancement, but with little accession of strength, it not only sustained with honor the most unequal of conflicts, but covered itself and our country with unfading glory. But it is only since the close of the late war that by the numbers and force of the ships of which it was composed it could deserve the name of a navy. Yet it retains nearly the same organization as when it consisted only of five frigates. The rules and regulations by which it is governed earnestly call for revision, and the want of a naval school of instruction, corresponding with the Military Academy at West Point, for the formation of scientific and accomplished officers, is felt with daily increasing aggravation.

The act of Congress of 26th of May, 1824, authorizing an examination and survey of the harbor of Charleston, in South Carolina, of St. Marys, in Georgia, and of the coast of Florida, and for other purposes, has been executed so far as the appropriation would admit. Those of the 3d of March last, authorizing the establishment of a navy-yard and depot on

the coast of Florida, in the Gulf of Mexico, and authorizing the building of ten sloops of war, and for other purposes, are in the course of execution, for the particulars of which and other objects connected with this Department I refer to the report of the Secretary of the Navy, herewith communicated.

A report from the Postmaster-General is also submitted, exhibiting the present flourishing condition of that Department. For the first time for many years the receipts for the year ending on the 1st of July last exceeded the expenditures during the same period to the amount of more than $45,000. Other facts equally creditable to the administration of this Department are that in two years from the 1st of July, 1823, an improvement of more than $185,000 in its pecuniary affairs has been realized; that in the same interval the increase of the transportation of the mail has exceeded 1,500,000 miles annually, and that 1,040 new post-offices have been established. It hence appears that under judicious management the income from this establishment may be relied on as fully adequate to defray its expenses, and that by the discontinuance of post-roads altogether unproductive others of more useful character may be opened, till the circulation of the mail shall keep pace with the spread of our population, and the comforts of friendly correspondence, the exchanges of internal traffic, and the lights of the periodical press shall be distributed to the remotest corners of the Union, at a charge scarcely perceptible to any individual, and without the cost of a dollar to the public Treasury.

Upon this first occasion of addressing the Legislature of the Union, with which I have been honored, in presenting to their view the execution so far as it has been effected of the measures sanctioned by them for promoting the internal improvement of our country, I can not close the communication without recommending to their calm and persevering consideration the general principle in a more enlarged extent. The great object of the institution of civil government is the improvement of the condition of those who are parties to the social compact, and no government, in whatever form constituted, can accomplish the lawful ends of its institution but in proportion as it improves the condition of those over whom it is established. Roads and canals, by multiplying and facilitating the communications and intercourse between distant regions and multitudes of men, are among the most important means of improvement. But moral, political, intellectual improvement are duties assigned by the Author of Our Existence to social no less than to individual man. For the fulfillment of those duties governments are invested with power, and to the attainment of the end—the progressive improvement of the condition of the governed—the exercise of delegated powers is a duty as sacred and indispensable as the usurpation of powers not granted is criminal and odious. Among the first, perhaps the very first, instrument for the improvement of the condition of men is knowledge, and to the acquisition

of much of the knowledge adapted to the wants, the comforts, and enjoyments of human life public institutions and seminaries of learning are essential. So convinced of this was the first of my predecessors in this office, now first in the memory, as, living, he was first in the hearts, of our countrymen, that once and again in his addresses to the Congresses with whom he cooperated in the public service he earnestly recommended the establishment of seminaries of learning, to prepare for all the emergencies of peace and war—a national university and a military academy. With respect to the latter, had he lived to the present day, in turning his eyes to the institution at West Point he would have enjoyed the gratification of his most earnest wishes; but in surveying the city which has been honored with his name he would have seen the spot of earth which he had destined and bequeathed to the use and benefit of his country as the site for an university still bare and barren.

In assuming her station among the civilized nations of the earth it would seem that our country had contracted the engagement to contribute her share of mind, of labor, and of expense to the improvement of those parts of knowledge which lie beyond the reach of individual acquisition, and particularly to geographical and astronomical science. Looking back to the history only of the half century since the declaration of our independence, and observing the generous emulation with which the Governments of France, Great Britain, and Russia have devoted the genius, the intelligence, the treasures of their respective nations to the common improvement of the species in these branches of science, is it not incumbent upon us to inquire whether we are not bound by obligations of a high and honorable character to contribute our portion of energy and exertion to the common stock? The voyages of discovery prosecuted in the course of that time at the expense of those nations have not only redounded to their glory, but to the improvement of human knowledge. We have been partakers of that improvement and owe for it a sacred debt, not only of gratitude, but of equal or proportional exertion in the same common cause. Of the cost of these undertakings, if the mere expenditures of outfit, equipment, and completion of the expeditions were to be considered the only charges, it would be unworthy of a great and generous nation to take a second thought. One hundred expeditions of circumnavigation like those of Cook and La Pérouse would not burden the exchequer of the nation fitting them out so much as the ways and means of defraying a single campaign in war. But if we take into the account the lives of those benefactors of mankind of which their services in the cause of their species were the purchase, how shall the cost of those heroic enterprises be estimated, and what compensation can be made to them or to their countries for them? Is it not by bearing them in affectionate remembrance? Is it not still more by imitating their example—by enabling countrymen of our own to pursue the same career and to hazard their lives in the same cause?

In inviting the attention of Congress to the subject of internal improvements upon a view thus enlarged it is not my design to recommend the equipment of an expedition for circumnavigating the globe for purposes of scientific research and inquiry. We have objects of useful investigation nearer home, and to which our cares may be more beneficially applied. The interior of our own territories has yet been very imperfectly explored. Our coasts along many degrees of latitude upon the shores of the Pacific Ocean, though much frequented by our spirited commercial navigators, have been barely visited by our public ships. The River of the West, first fully discovered and navigated by a countryman of our own, still bears the name of the ship in which he ascended its waters, and claims the protection of our armed national flag at its mouth. With the establishment of a military post there or at some other point of that coast, recommended by my predecessor and already matured in the deliberations of the last Congress, I would suggest the expediency of connecting the equipment of a public ship for the exploration of the whole northwest coast of this continent.

The establishment of an uniform standard of weights and measures was one of the specific objects contemplated in the formation of our Constitution, and to fix that standard was one of the powers delegated by express terms in that instrument to Congress. The Governments of Great Britain and France have scarcely ceased to be occupied with inquiries and speculations on the same subject since the existence of our Constitution, and with them it has expanded into profound, laborious, and expensive researches into the figure of the earth and the comparative length of the pendulum vibrating seconds in various latitudes from the equator to the pole. These researches have resulted in the composition and publication of several works highly interesting to the cause of science. The experiments are yet in the process of performance. Some of them have recently been made on our own shores, within the walls of one of our own colleges, and partly by one of our own fellow-citizens. It would be honorable to our country if the sequel of the same experiments should be countenanced by the patronage of our Government, as they have hitherto been by those of France and Britain.

Connected with the establishment of an university, or separate from it, might be undertaken the erection of an astronomical observatory, with provision for the support of an astronomer, to be in constant attendance of observation upon the phenomena of the heavens, and for the periodical publication of his observations. It is with no feeling of pride as an American that the remark may be made that on the comparatively small territorial surface of Europe there are existing upward of 130 of these light-houses of the skies, while throughout the whole American hemisphere there is not one. If we reflect a moment upon the discoveries which in the last four centuries have been made in the physical constitution of the universe by the means of these buildings and of observers

stationed in them, shall we doubt of their usefulness to every nation? And while scarcely a year passes over our heads without bringing some new astronomical discovery to light, which we must fain receive at second hand from Europe, are we not cutting ourselves off from the means of returning light for light while we have neither observatory nor observer upon our half of the globe and the earth revolves in perpetual darkness to our unsearching eyes?

When, on the 25th of October, 1791, the first President of the United States announced to Congress the result of the first enumeration of the inhabitants of this Union, he informed them that the returns gave the pleasing assurance that the population of the United States bordered on 4,000,000 persons. At the distance of thirty years from that time the last enumeration, five years since completed, presented a population bordering upon 10,000,000. Perhaps of all the evidences of a prosperous and happy condition of human society the rapidity of the increase of population is the most unequivocal. But the demonstration of our prosperity rests not alone upon this indication. Our commerce, our wealth, and the extent of our territories have increased in corresponding proportions, and the number of independent communities associated in our Federal Union has since that time nearly doubled. The legislative representation of the States and people in the two Houses of Congress has grown with the growth of their constituent bodies. The House, which then consisted of 65 members, now numbers upward of 200. The Senate, which consisted of 26 members, has now 48. But the executive and, still more, the judiciary departments are yet in a great measure confined to their primitive organization, and are now not adequate to the urgent wants of a still growing community.

The naval armaments, which at an early period forced themselves upon the necessities of the Union, soon led to the establishment of a Department of the Navy. But the Departments of Foreign Affairs and of the Interior, which early after the formation of the Government had been united in one, continue so united to this time, to the unquestionable detriment of the public service. The multiplication of our relations with the nations and Governments of the Old World has kept pace with that of our population and commerce, while within the last ten years a new family of nations in our own hemisphere has arisen among the inhabitants of the earth, with whom our intercourse, commercial and political, would of itself furnish occupation to an active and industrious department. The constitution of the judiciary, experimental and imperfect as it was even in the infancy of our existing Government, is yet more inadequate to the administration of national justice at our present maturity. Nine years have elapsed since a predecessor in this office, now not the last, the citizen who, perhaps, of all others throughout the Union contributed most to the formation and establishment of our Constitution, in his valedictory address to Congress, immediately preceding his retirement

from public life, urgently recommended the revision of the judiciary and the establishment of an additional executive department. The exigencies of the public service and its unavoidable deficiencies, as now in exercise, have added yearly cumulative weight to the considerations presented by him as persuasive to the measure, and in recommending it to your deliberations I am happy to have the influence of his high authority in aid of the undoubting convictions of my own experience.

The laws relating to the administration of the Patent Office are deserving of much consideration and perhaps susceptible of some improvement. The grant of power to regulate the action of Congress upon this subject has specified both the end to be obtained and the means by which it is to be effected, "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." If an honest pride might be indulged in the reflection that on the records of that office are already found inventions the usefulness of which has scarcely been transcended in the annals of human ingenuity, would not its exultation be allayed by the inquiry whether the laws have effectively insured to the inventors the reward destined to them by the Constitution—even a limited term of exclusive right to their discoveries?

On the 24th of December, 1799, it was resolved by Congress that a marble monument should be erected by the United States in the Capitol at the city of Washington; that the family of General Washington should be requested to permit his body to be deposited under it, and that the monument be so designed as to commemorate the great events of his military and political life. In reminding Congress of this resolution and that the monument contemplated by it remains yet without execution, I shall indulge only the remarks that the works at the Capitol are approaching to completion; that the consent of the family, desired by the resolution, was requested and obtained; that a monument has been recently erected in this city over the remains of another distinguished patriot of the Revolution, and that a spot has been reserved within the walls where you are deliberating for the benefit of this and future ages, in which the mortal remains may be deposited of him whose spirit hovers over you and listens with delight to every act of the representatives of his nation which can tend to exalt and adorn his and their country.

The Constitution under which you are assembled is a charter of limited powers. After full and solemn deliberation upon all or any of the objects which, urged by an irresistible sense of my own duty, I have recommended to your attention should you come to the conclusion that, however desirable in themselves, the enactment of laws for effecting them would transcend the powers committed to you by that venerable instrument which we are all bound to support, let no consideration induce you to assume the exercise of powers not granted to you by the people. But if the power to exercise exclusive legislation in all cases whatsoever over

the District of Columbia; if the power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; if the power to regulate commerce with foreign nations and among the several States and with the Indian tribes, to fix the standard of weights and measures, to establish post-offices and post-roads, to declare war, to raise and support armies, to provide and maintain a navy, to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and to make all laws which shall be necessary and proper for carrying these powers into execution—if these powers and others enumerated in the Constitution may be effectually brought into action by laws promoting the improvement of agriculture, commerce, and manufactures, the cultivation and encouragement of the mechanic and of the elegant arts, the advancement of literature, and the progress of the sciences, ornamental and profound, to refrain from exercising them for the benefit of the people themselves would be to hide in the earth the talent committed to our charge—would be treachery to the most sacred of trusts.

The spirit of improvement is abroad upon the earth. It stimulates the hearts and sharpens the faculties not of our fellow-citizens alone, but of the nations of Europe and of their rulers. While dwelling with pleasing satisfaction upon the superior excellence of our political institutions, let us not be unmindful that liberty is power; that the nation blessed with the largest portion of liberty must in proportion to its numbers be the most powerful nation upon earth, and that the tenure of power by man is, in the moral purposes of his Creator, upon condition that it shall be exercised to ends of beneficence, to improve the condition of himself and his fellow-men. While foreign nations less blessed with that freedom which is power than ourselves are advancing with gigantic strides in the career of public improvement, were we to slumber in indolence or fold up our arms and proclaim to the world that we are palsied by the will of our constituents, would it not be to cast away the bounties of Providence and doom ourselves to perpetual inferiority? In the course of the year now drawing to its close we have beheld, under the auspices and at the expense of one State of this Union, a new university unfolding its portals to the sons of science and holding up the torch of human improvement to eyes that seek the light. We have seen under the persevering and enlightened enterprise of another State the waters of our Western lakes mingle with those of the ocean. If undertakings like these have been accomplished in the compass of a few years by the authority of single members of our Confederation, can we, the representative authorities of the whole Union, fall behind our fellow-servants in the exercise of the trust committed to us for the benefit of our common sovereign by the accomplishment of works important to the whole and to which neither the authority nor the resources of any one State can be adequate?

Finally, fellow-citizens, I shall await with cheering hope and faithful cooperation the result of your deliberations, assured that, without encroaching upon the powers reserved to the authorities of the respective States or to the people, you will, with a due sense of your obligations to your country and of the high responsibilities weighing upon yourselves, give efficacy to the means committed to you for the common good. And may He who searches the hearts of the children of men prosper your exertions to secure the blessings of peace and promote the highest welfare of our country.

JOHN QUINCY ADAMS.

SPECIAL MESSAGES.

WASHINGTON, *December 14, 1825.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice with regard to their ratification, the following treaties:

1. A treaty between the United States and the Great and Little Osage tribes of Indians, concluded at St. Louis, in the State of Missouri, on the 2d day of June last, by William Clark, Superintendent of Indian Affairs, commissioner on the part of the United States, and the chiefs, headmen, and warriors of the same tribes, duly authorized and empowered by their respective tribes or nations.

2. A treaty between the United States and the Kanzas Nation of Indians, concluded at St. Louis, in the State of Missouri, on the 3d day of June last, by William Clark, Superintendent of Indian Affairs, commissioner on the part of the United States, and the chiefs, headmen, and warriors of the said nation, duly authorized and empowered by the same.

3. A convention between the United States and the Shawnee Nation of Indians residing within the State of Missouri, signed at St. Louis, in the State of Missouri, on the 7th day of November last, by William Clark, Superintendent of Indian Affairs, and the chiefs and headmen of the said nation, duly authorized and empowered by the same.

JOHN QUINCY ADAMS.

WASHINGTON, *December 15, 1825.*

To the Senate of the United States:

I transmit herewith to the Senate, for their consideration in reference to its ratification, a general convention of peace, amity, commerce, and navigation between the United States of America and the Federation of the Centre of America, signed at this place on the 5th instant by the Secretary of State and the minister plenipotentiary from the Republic of Central America to the United States.

JOHN QUINCY ADAMS.

WASHINGTON, *December 26, 1825.*

To the Senate of the United States:

In the message to both Houses of Congress at the commencement of the session it was mentioned that the Governments of the Republics of Colombia, of Mexico, and of Central America had severally invited the Government of the United States to be represented at the Congress of American nations to be assembled at Panama to deliberate upon objects of peculiar concernment to this hemisphere, and that this invitation had been accepted.

Although this measure was deemed to be within the constitutional competency of the Executive, I have not thought proper to take any step in it before ascertaining that my opinion of its expediency will concur with that of both branches of the Legislature, first, by the decision of the Senate upon the nominations to be laid before them, and, secondly, by the sanction of both Houses to the appropriations, without which it can not be carried into effect.

A report from the Secretary of State and copies of the correspondence with the South American Governments on this subject since the invitation given by them are herewith transmitted to the Senate. They will disclose the objects of importance which are expected to form a subject of discussion at this meeting, in which interests of high importance to this Union are involved. It will be seen that the United States neither intend nor are expected to take part in any deliberations of a belligerent character; that the motive of their attendance is neither to contract alliances nor to engage in any undertaking or project importing hostility to any other nation.

But the Southern American nations, in the infancy of their independence, often find themselves in positions with reference to other countries with the principles applicable to which, derivable from the state of independence itself, they have not been familiarized by experience. The result of this has been that sometimes in their intercourse with the United States they have manifested dispositions to reserve a right of granting special favors and privileges to the Spanish nation as the price of their recognition. At others they have actually established duties and impositions operating unfavorably to the United States to the advantage of other European powers, and sometimes they have appeared to consider that they might interchange among themselves mutual concessions of exclusive favor, to which neither European powers nor the United States should be admitted. In most of these cases their regulations unfavorable to us have yielded to friendly expostulation and remonstrance. But it is believed to be of infinite moment that the principles of a liberal commercial intercourse should be exhibited to them, and urged with disinterested and friendly persuasion upon them when all assembled for the avowed purpose of consulting together upon the establishment of such principles as may have an important bearing upon their future welfare.

The consentaneous adoption of principles of maritime neutrality, and favorable to the navigation of peace, and commerce in time of war, will also form a subject of consideration to this Congress. The doctrine that free ships make free goods and the restrictions of reason upon the extent of blockades may be established by general agreement with far more ease, and perhaps with less danger, by the general engagement to adhere to them concerted at such a meeting, than by partial treaties or conventions with each of the nations separately. An agreement between all the parties represented at the meeting that each will guard by its own means against the establishment of any future European colony within its borders may be found advisable. This was more than two years since announced by my predecessor to the world as a principle resulting from the emancipation of both the American continents. It may be so developed to the new southern nations that they will all feel it as an essential appendage to their independence.

There is yet another subject upon which, without entering into any treaty, the moral influence of the United States may perhaps be exerted with beneficial consequences at such a meeting—the advancement of religious liberty. Some of the southern nations are even yet so far under the dominion of prejudice that they have incorporated with their political constitutions an exclusive church, without toleration of any other than the dominant sect. The abandonment of this last badge of religious bigotry and oppression may be pressed more effectually by the united exertions of those who concur in the principles of freedom of conscience upon those who are yet to be convinced of their justice and wisdom than by the solitary efforts of a minister to any one of the separate Governments.

The indirect influence which the United States may exercise upon any projects or purposes originating in the war in which the southern Republics are still engaged, which might seriously affect the interests of this Union, and the good offices by which the United States may ultimately contribute to bring that war to a speedier termination, though among the motives which have convinced me of the propriety of complying with this invitation, are so far contingent and eventual that it would be improper to dwell upon them more at large.

In fine, a decisive inducement with me for acceding to the measure is to show by this token of respect to the southern Republics the interest that we take in their welfare and our disposition to comply with their wishes. Having been the first to recognize their independence, and sympathized with them so far as was compatible with our neutral duties in all their struggles and sufferings to acquire it, we have laid the foundation of our future intercourse with them in the broadest principles of reciprocity and the most cordial feelings of fraternal friendship. To extend those principles to all our commercial relations with them and to hand down that friendship to future ages is congenial to the highest policy of the Union, as it will be to that of all those nations and their posterity. In

the confidence that these sentiments will meet the approbation of the Senate, I nominate Richard C. Anderson, of Kentucky, and John Sergeant, of Pennsylvania, to be envoys extraordinary and ministers plenipotentiary to the assembly of American nations at Panama, and William B. Rochester, of New York, to be secretary to the mission.

JOHN QUINCY ADAMS.

WASHINGTON, *December 27, 1825.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 20th instant, I now transmit a copy of the message of President Jefferson to both Houses of Congress on the 18th of January, 1803, recommending an exploring expedition across this continent.* It will be perceived on the perusal of this message that it was confidential, for which reason the copy of it is now communicated in the same manner, leaving to the judgment of the House to determine whether any adequate reason yet remains for withholding it from publication. I possess no other document or information in relation to the same subject which I consider as coming within the scope of the resolution of the House.

JOHN QUINCY ADAMS.

WASHINGTON, *December 27, 1825.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 20th instant, I transmit herewith a report from the Secretary of State, with copies of such portions of the correspondence between the United States and Great Britain on the subject of the convention for suppressing the slave trade as have not heretofore been, and which can be communicated without detriment to the public interest.

JOHN QUINCY ADAMS.

WASHINGTON, *December 27, 1825.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 23d instant, I transmit herewith a report from the Secretary of War, with the correspondence between the Department of War and Generals Pinckney and Jackson, and all the instructions given to the said Generals Pinckney and Jackson relating to the treaty with the Creek Indians, afterwards made at Fort Jackson, so far as the same can be communicated without prejudice to the public interest.

JOHN QUINCY ADAMS.

*See Vol. I, pp. 352 to 354, inclusive.

WASHINGTON, *January 3, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 23d of last month, I communicate herewith a report from the Secretary of War, with the documents touching the treaty with the Cherokee Indians, ratified in 1819, by which the Cherokee title to a portion of lands within the limits of North Carolina was extinguished.

JOHN QUINCY ADAMS.

WASHINGTON, *January 9, 1826.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 3d instant, I communicate herewith, in confidence, a report* from the Secretary of State, with translations of the conventions and documents, containing information of the nature referred to in the said resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 9, 1826.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice with regard to the ratification, the following treaties:

1. A treaty signed at the Poncar village at the mouth of White Point Creek, the first below the Qui Carre River, on the 9th of June, 1825, by Brigadier-General Henry Atkinson and Major Benjamin O'Fallon, commissioners on the part of the United States, and certain chiefs, headmen, and warriors of the Poncar tribe of Indians on the part of said tribe.

2. A treaty signed at Fort Look-out, near the Three Rivers of the Sioux Pass, on the 22d June, 1825, by the same commissioners on the part of the United States and certain chiefs, headmen, and warriors of the Teton, Yancton, and Yanctonies bands of the Sioux tribe of Indians on the part of the said bands.

3. A treaty signed at the mouth of the Teton River on the 5th of July, 1825, by the same commissioners on the part of the United States and by certain chiefs, headmen, and warriors of the Sione and Ogalla bands of Sioux Indians, and on the 12th of July, 1825, at Camp Hidden Creek, by chiefs and warriors of the Siounes of the Fireheart's band on the part of their respective bands.

4. A treaty signed at the mouth of the Teton River on the 6th of July, 1825, by the same commissioners on the part of the United States and by certain chiefs, headmen, and warriors of the Chayenne tribe of Indians on the part of said tribe.

*Relating to the proposed congress at Panama.

5. A treaty signed at the Auricara village on the 16th July, 1825, by the same commissioners on the part of the United States and by certain chiefs, headmen, and warriors of the Hunkpapas band of the Sioux tribe of Indians on the part of said band.

6. A treaty signed at the Ricara village on the 18th July, 1825, by the same commissioners on the part of the United States and by certain chiefs, headmen, and warriors of the Ricara tribe of Indians on the part of said tribe.

7. A treaty signed at the Mandan village on the 30th of July, 1825, by the same commissioners on the part of the United States and by certain chiefs and warriors of the Mandan tribe of Indians on the part of said tribe.

8. A treaty signed at the lower Mandan village on the 30th of July, 1825, by the same commissioners on the part of the United States and by certain chiefs and warriors of the Belantse Etea, or Minnetaree, tribe of Indians on the part of said tribe.

9. A treaty signed at the Mandan village on the 4th of August, 1825, by the same commissioners on the part of the United States and by certain chiefs and warriors of the Crow tribe of Indians on the part of said tribe.

10. A treaty signed at Fort Atkinson, Council Bluffs, on the 25th of September, 1825, by the same commissioners on the part of the United States and by certain chiefs, headmen, and warriors of the Ottoe and Missouri tribe of Indians on the part of said tribe.

11. A treaty signed at Fort Atkinson, Council Bluffs, on the 30th of September, 1825, by the same commissioners on the part of the United States and by certain chiefs, headmen, and warriors of the Pawnee tribe of Indians on the part of said tribe.

12. A treaty signed at Fort Atkinson, Council Bluffs, on the 6th of October, 1825, by the same commissioners on the part of the United States and by certain chiefs, headmen, and warriors of the Maha tribe of Indians on the part of said tribe.

JOHN QUINCY ADAMS.

WASHINGTON, *January 10, 1826.*

To the Senate of the United States:

I transmit to the Senate a treaty signed at Prairie des Chiens, in the Territory of Michigan, on the 19th of August, 1825, by William Clark and Lewis Cass, commissioners on the part of the United States, and certain chiefs and warriors of the Sioux, Chippeways, Socs, Foxes, Winnebagoes, Menominies, Ottoways, Potawatamies, and Ioway tribes of Indians on the part of said tribes, and I request the advice of the Senate with regard to its ratification.

JOHN QUINCY ADAMS.

WASHINGTON, *January 20, 1826.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 23d ultimo, I transmit herewith reports* from the Secretary of War and the Commissioner of the General Land Office, with the statements desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 23, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 27th December last, requesting a statement of moneys paid out of the public Treasury to the late President of the United States as compensation for his services in various other offices which he has filled under the Government of the United States, and on other accounts, and also of claims for allowances made by him upon the Government which have been disallowed, I transmit herewith a report from the Secretary of the Treasury, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 24, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 12th December last, I transmit herewith a report from the Secretary of the Navy, with the documents and proceedings of the naval courts-martial in the cases of Captain Charles Stewart and of Lieutenants Joshua R. Sands and William M. Hunter.

JOHN QUINCY ADAMS.

WASHINGTON, *January 30, 1826.*

To the Senate of the United States:

I transmit herewith to the Senate, for their consideration and advice with regard to their ratification—

1. A treaty concluded on the 10th day of August, 1825, at Council Grove by Benjamin H. Reeves, George C. Sibley, and Thomas Mather, commissioners on the part of the United States, and certain chiefs and headmen of the Great and Little Osage tribes of Indians on the part of the said tribe.

2. A treaty concluded on the 16th day of August, 1825, at the Sora Kanzas Creek by the same commissioners on the part of the United States and certain chiefs and headmen of the Kanzas tribe or nation of Indians on the part of said tribe.

JOHN QUINCY ADAMS.

*Relating to land warrants issued to soldiers of the Revolutionary war, etc.

WASHINGTON, *January 31, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 18th instant, I transmit a report from the Secretary of State, with the correspondence with the British Government, relating to the boundary of the United States on the Pacific Ocean, desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 31, 1826.*

To the Senate of the United States:

I transmit herewith to the Senate, for their consideration and advice with regard to its ratification, a treaty concluded by the Secretary of War, duly authorized thereto, with the chiefs and headmen of the Creek Nation, deputed by them, and now in this city.

It has been agreed upon, and is presented to the consideration of the Senate as a substitute for the treaty signed at the Indian Springs on the 12th of February last. The circumstances under which this received on the 3d of March last your advice and consent to its ratification are known to you. It was transmitted to me from the Senate on the 5th of March, and ratified in full confidence yielded to the advice and consent of the Senate, under a firm belief, founded on the journal of the commissioners of the United States and on the express statements in the letter of one of them of the 16th of February to the then Secretary of War, that it had been concluded with a large majority of the chiefs of the Creek Nation and with a reasonable prospect of immediate acquiescence by the remainder.

This expectation has not merely been disappointed. The first measures for carrying the treaty into execution had scarcely been taken when the two principal chiefs who had signed it fell victims to the exasperation of the great mass of the nation, and their families and dependents, far from being able to execute the engagements on their part, fled for life, safety, and subsistence from the territories which they had assumed to cede, to our own. Yet, in this fugitive condition, and while subsisting on the bounty of the United States, they have been found advancing pretensions to receive exclusively to themselves the whole of the sums stipulated by the commissioners of the United States in payment *for all* the lands of the Creek Nation which were ceded by the terms of the treaty. And they have claimed the stipulation of the eighth article, that the United States would "*protect* the emigrating party against the encroachments, hostilities, and impositions of the whites and of all others," as an engagement by which the United States were bound to become the instruments of their vengeance and to inflict upon the majority of the Creek Nation the punishment of Indian retribution to gratify the vindictive fury of an impotent and helpless minority of their own tribe.

In this state of things the question is not whether the treaty of the 12th of February last shall or shall not be executed. So far as the United States were or could be bound by it I have been anxiously desirous of carrying it into execution. But, like other treaties, its fulfillment depends upon the will not of one but of both the parties to it. The parties on the face of the treaty are the United States and the Creek Nation, and however desirous one of them may be to give it effect, this wish must prove abortive while the other party refuses to perform its stipulations and disavows its obligations. By the refusal of the Creek Nation to perform their part of the treaty the United States are absolved from all its engagements on their part, and the alternative left them is either to resort to measures of war to secure by force the advantages stipulated to them in the treaty or to attempt the adjustment of the interest by a new compact. In the preference dictated by the nature of our institutions and by the sentiments of justice and humanity which the occasion requires for measures of peace the treaty herewith transmitted has been concluded, and is submitted to the decision of the Senate. After exhausting every effort in our power to obtain the acquiescence of the Creek Nation to the treaty of the 12th of February, I entertained for some time the hope that their assent might at least have been given to a new treaty, by which all their lands within the State of Georgia should have been ceded. This has also proved impracticable, and although the excepted portion is of comparatively small amount and importance, I have assented to its exception so far as to place it before the Senate only from a conviction that between it and a resort to the forcible expulsion of the Creeks from their habitations and lands within the State of Georgia there was no middle term.

The deputation with which this treaty has been concluded consists of the principal chiefs of the nation—able not only to negotiate but to carry into effect the stipulations to which they have agreed. There is a deputation also here from the small party which undertook to contract for the whole nation at the treaty of the 12th of February, but the number of which, according to the information collected by General Gaines, does not exceed 400. They represent themselves, indeed, to be far more numerous, but whatever their number may be their interests have been provided for in the treaty now submitted. Their subscriptions to it would also have been received but for unreasonable pretensions raised by them after all the arrangements of the treaty had been agreed upon and it was actually signed. Whatever their merits may have been in the facility with which they ceded all the lands of their nation within the State of Georgia, their utter inability to perform the engagements which they so readily contracted and the exorbitancy of their demands when compared with the inefficiency of their own means of performance leave them with no claims upon the United States other than of impartial and rigorous justice.

In referring to the impressions under which I ratified the treaty of the 12th of February last, I do not deem it necessary to decide upon the

propriety of the manner in which it was negotiated. Deeply regretting the criminations and recriminations to which these events have given rise, I believe the public interest will best be consulted by discarding them altogether from the discussion of the subject. The great body of the Creek Nation inflexibly refuse to acknowledge or to execute that treaty. Upon this ground it will be set aside, should the Senate advise and consent to the ratification of that now communicated, without looking back to the means by which the other was effected. And in the adjustment of the terms of the present treaty I have been peculiarly anxious to dispense a measure of great liberality to both parties of the Creek Nation, rather than to extort from them a bargain of which the advantages on our part could only be purchased by hardship on theirs.

JOHN QUINCY ADAMS.

WASHINGTON, *February 1, 1826.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 30th ultimo, I communicate herewith, in confidence, a report * from the Secretary of State, with the documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 7, 1826.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 15th of December last, I communicate herewith reports from the Secretaries of the Treasury and War and from the Commissioner of the General Land Office, with documents, relating to the lead mines and salt springs, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 14, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 12th ultimo, I transmit herewith a report from the Secretary of the Navy, with the statements relating to naval courts of inquiry and courts-martial since the 1st January, 1824, requested by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 15, 1826.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the late Secretary of War to the late President of the United States, with documents,

* Relating to intervention of the Emperor of Russia with Spain for a recognition of the independence of the South American States.

containing information requested by a resolution of the House of April 10, 1824, relating to the purchases of real estate in behalf of the United States within the territorial limits of any State since the 4th July, 1776.

These papers were prepared during the last session of Congress, but by some accident were not then communicated to the House.

JOHN QUINCY ADAMS.

WASHINGTON, *February 16, 1826.*

To the Senate of the United States:

In answer to the two resolutions of the Senate of the 15th instant, marked executive, and which I have received, I state respectfully that all the communications from me to the Senate relating to the congress at Panama have been made, like all other communications upon executive business, *in confidence*, and most of them in compliance with a resolution of the Senate requesting them confidentially. Believing that the established usage of free confidential communication between the Executive and the Senate ought for the public interest to be preserved unimpaired, I deem it my indispensable duty to leave to the Senate itself the decision of a question involving a departure hitherto, so far as I am informed, without example from that usage, and upon the motives for which, not being informed of them, I do not feel myself competent to decide.

JOHN QUINCY ADAMS.

WASHINGTON, *February 17, 1826.*

To the House of Representatives of the United States:

I transmit herewith a report from the Secretary of the Navy, with a further document, prepared in compliance with a resolution of the House of the 10th of April, 1824, and containing information relating to purchasers of real estate in behalf of the United States within the territorial limits of any State since the 4th of July, 1776.

JOHN QUINCY ADAMS.

WASHINGTON, *February 17, 1826.*

To the Senate and House of Representatives of the United States:

I transmit herewith to both Houses of Congress a letter from the Secretary of War, with a report from the Ordnance Department, relating to the site of the arsenal of the United States at Augusta, in Georgia, and with regard to which the interposition of the legislative authority is submitted to your consideration as desirable.

JOHN QUINCY ADAMS.

WASHINGTON, *March 1, 1826.*

To the Senate and House of Representatives of the United States:

I communicate to Congress a letter from the Secretary of War, together with a representation from Colonel Brooke, relating to the present condition of the Indians in Florida, and which I recommend to the favorable consideration of Congress.

JOHN QUINCY ADAMS.

WASHINGTON, *March 1, 1826.*

To the House of Representatives of the United States:

A resolution of the House of Representatives adopted at the first session of the Eighteenth Congress, and bearing date the 6th of May, 1824, requested the President of the United States to lay before the House at their then next session a detailed report of the system and plan of fortifications then contemplated and recommended by the Board of Engineers, with various particulars specified in the resolution; and on the 5th of January last a further resolution was adopted requesting similar information. I transmit herewith a report from the Secretary of War, with a letter from the Chief Engineer, and documents, containing, so far as it has been found practicable to obtain and compile it, the information requested by these resolutions.

JOHN QUINCY ADAMS.

WASHINGTON, *March 5, 1826.*

To the Senate and House of Representatives of the United States:

I now submit to the consideration of Congress the propriety of making the appropriation for carrying into effect the appointment of a mission to the congress at Panama.

JOHN QUINCY ADAMS.

WASHINGTON, *March 7, 1826.*

To the Senate and House of Representatives of the United States:

I communicate to both Houses of Congress a letter from the Secretary of War, together with copies of one to him from the Senators of the State of Maryland, and several other documents, relating to a claim of that State upon the Government of the United States for interest upon certain expenditures during the late war, which I the more readily recommend to the favorable and early consideration of Congress inasmuch as the principle upon which the claim is advanced appears to have been settled by the act of Congress of 3d March, 1825, authorizing the payment of interest due to the State of Virginia.

JOHN QUINCY ADAMS.

WASHINGTON, *March 8, 1826.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with the proceedings of the court and marshal of the United States for the district of Alabama, and other documents, in relation to the cargoes of certain slave ships, the *Constitution*, *Louisa*, and *Marino*, containing the information requested by a resolution of the House of February 16, 1825.

JOHN QUINCY ADAMS.

WASHINGTON, *March 8, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 10th ultimo, requesting information relating to the proceedings of the joint commission of indemnities due under the award of the Emperor of Russia for slaves and other private property carried away by the British forces in violation of the treaty of Ghent, I transmit herewith a report from the Secretary of State and documents containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March 15, 1826.*

To the Senate and House of Representatives of the United States:

I communicate to Congress a letter from the Secretary of War and copies of a resolution of that legislature of the State of Georgia, with a correspondence of the governor of that State, relating to the running and establishing of the line between that State and Florida, which I recommend to the favorable consideration of Congress.

JOHN QUINCY ADAMS.

WASHINGTON, *March 15, 1826.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of the 5th ultimo, requesting me to cause to be laid before the House so much of the correspondence between the Government of the United States and the new States of America, or their ministers, respecting the proposed congress or meeting of diplomatic agents at Panama, and such information respecting the general character of that expected congress as may be in my possession and as may, in my opinion, be communicated without prejudice to the public interest, and also to inform the House, so far as in my opinion the public interest may allow, in regard to what objects the agents of the United States are expected to take part in the deliberations

of that congress, I now transmit to the House a report from the Secretary of State, with the correspondence and information requested by the resolution.

With regard to the objects in which the agents of the United States are expected to take part in the deliberations of that congress, I deem it proper to premise that these objects did not form the only, nor even the principal, motive for my acceptance of the invitation. My first and greatest inducement was to meet in the spirit of kindness and friendship an overture made in that spirit by three sister Republics of this hemisphere.

The great revolution in human affairs which has brought into existence, nearly at the same time, eight sovereign and independent nations in our own quarter of the globe has placed the United States in a situation not less novel and scarcely less interesting than that in which they had found themselves by their own transition from a cluster of colonies to a nation of sovereign States. The deliverance of the Southern American Republics from the oppression under which they had been so long afflicted was hailed with great unanimity by the people of this Union as among the most auspicious events of the age. On the 4th of May, 1822, an act of Congress made an appropriation of $100,000 "for such missions to the independent nations on the American continent as the President of the United States might deem proper." In exercising the authority recognized by this act my predecessor, by and with the advice and consent of the Senate appointed successively ministers plenipotentiary to the Republics of Colombia, Buenos Ayres, Chili, and Mexico. Unwilling to raise among the fraternity of freedom questions of precedency and etiquette, which even the European monarchs had of late found it necessary in a great measure to discard, he dispatched these ministers to Colombia, Buenos Ayres, and Chili without exacting from those Republics, as by the ancient principles of political primogeniture he might have done, that the compliment of a plenipotentiary mission should have been paid *first* by them to the United States. The instructions, prepared under his direction, to Mr. Anderson, the first of our ministers to the southern continent, contain at much length the general principles upon which he thought it desirable that our relations, political and commercial, with these our new neighbors should be established for their benefit and ours and that of the future ages of our posterity. A copy of so much of these instructions as relates to these general subjects is among the papers now transmitted to the House. Similar instructions were furnished to the ministers appointed to Buenos Ayres, Chili, and Mexico, and the system of social intercourse which it was the purpose of those missions to establish from the first opening of our diplomatic relations with those rising nations is the most effective exposition of the principles upon which the invitation to the congress at Panama has been accepted by me, as well as of the objects of negotiation at that meeting, in which it was expected that our plenipotentiaries should take part.

The House will perceive that even at the date of these instructions the first treaties between some of the southern Republics had been concluded, by which they had stipulated among themselves this diplomatic assembly at Panama. And it will be seen with what caution, so far as it might concern the policy of the United States, and at the same time with what frankness and good will toward those nations, he gave countenance to their design of inviting the United States to this high assembly for consultation upon *American interests.* It was not considered a conclusive reason for declining this invitation that the proposal for assembling such a Congress had not first been made by ourselves. It had sprung from the urgent, immediate, and momentous common interests of the great communities struggling for independence, and, as it were, quickening into life. From them the proposition to us appeared respectful and friendly; from us to them it could scarcely have been made without exposing ourselves to suspicions of purposes of ambition, if not of domination, more suited to rouse resistance and excite distrust than to conciliate favor and friendship. The first and paramount principle upon which it was deemed wise and just to lay the corner stone of all our future relations with them was *disinterestedness;* the next was cordial good will to them; the third was a claim of fair and equal reciprocity. Under these impressions when the invitation was formally and earnestly given, had it even been doubtful whether *any* of the objects proposed for consideration and discussion at the Congress were such as that immediate and important interests of the United States would be affected by the issue, I should, nevertheless, have determined so far as it depended upon me to have accepted the invitation and to have appointed ministers to attend the meeting. The proposal itself implied that the Republics by whom it was made *believed* that important interests of ours or of theirs rendered our attendance there desirable. They had given us notice that in the novelty of their situation and in the spirit of deference to our experience they would be pleased to have the benefit of our friendly counsel. To meet the temper with which this proposal was made with a cold repulse was not thought congenial to that warm interest in their welfare with which the people and Government of the Union had hitherto gone hand in hand through the whole progress of their revolution. To insult them by a refusal of their overture, and then invite them to a similar assembly to be called by ourselves, was an expedient which never presented itself to the mind. I would have sent ministers to the meeting had it been merely to give them such advice as they might have desired, even with reference to *their own* interests, not involving ours. I would have sent them had it been merely to explain and set forth to them our reasons for *declining* any proposal of specific measures to which they might desire our concurrence, but which we might deem incompatible with our interests or our duties. In the intercourse between nations temper is a missionary perhaps more powerful than talent. Nothing was ever lost by kind

treatment. Nothing can be gained by sullen repulses and aspiring pretensions.

But objects of the highest importance, not only to the future welfare of the whole human race, but bearing directly upon the special interests of this Union, *will* engage the deliberations of the congress of Panama whether we are represented there or not. Others, if we are represented, may be offered by our plenipotentiaries for consideration having in view both these great results—our own interests and the improvement of the condition of man upon earth. It may be that in the lapse of many centuries no other opportunity so favorable will be presented to the Government of the United States to subserve the benevolent purposes of Divine Providence; to dispense the promised blessings of the Redeemer of Mankind; to promote the prevalence in future ages of peace on earth and good will to man, as will now be placed in their power by participating in the deliberations of this congress.

Among the topics enumerated in official papers published by the Republic of Colombia, and adverted to in the correspondence now communicated to the House, as intended to be presented for discussion at Panama, there is scarcely one in which the *result* of the meeting will not deeply affect the interests of the United States. Even those in which the belligerent States alone will take an active part will have a powerful effect upon the state of our relations with the American, and probably with the principal European, States. Were it merely that we might be correctly and speedily informed of the proceedings of the congress and of the progress and issue of their negotiations, I should hold it advisable that we should have an accredited agency with them, placed in such confidential relations with the other members as would insure the authenticity and the safe and early transmission of its reports. Of the same enumerated topics are the preparation of a manifesto setting forth to the world the justice of their cause and the relations they desire to hold with other Christian powers, and to form a convention of navigation and commerce applicable both to the confederated States and to their allies.

It will be within the recollection of the House that immediately after the close of the war of our independence a measure closely analogous to this congress of Panama was adopted by the Congress of our Confederation, and for purposes of precisely the same character. Three commissioners with plenipotentiary powers were appointed to negotiate treaties of amity, navigation, and commerce with all the principal powers of Europe. They met and resided for that purpose about one year at Paris, and the only result of their negotiations at that time was the first treaty between the United States and Prussia—memorable in the diplomatic annals of the world, and precious as a monument of the principles, in relation to commerce and maritime warfare, with which our country entered upon her career as a member of the great family of independent nations. This treaty, prepared in conformity with the instructions of the

American plenipotentiaries, consecrated three fundamental principles of the foreign intercourse which the Congress of that period were desirous of establishing: First, equal reciprocity and the mutual stipulation of the privileges of the most favored nation in the commercial exchanges of peace; secondly, the abolition of private war upon the ocean, and thirdly, restrictions favorable to neutral commerce upon belligerent practices with regard to contraband of war and blockades. A painful, it may be said a calamitous, experience of more than forty years has demonstrated the deep importance of these same principles to the peace and prosperity of this nation and to the welfare of all maritime States, and has illustrated the profound wisdom with which they were assumed as cardinal points of the policy of the Union.

At that time in the infancy of their political existence, under the influence of those principles of liberty and of right so congenial to the cause in which they had just fought and triumphed, they were able but to obtain the sanction of one great and philosophical, though absolute, sovereign in Europe to their liberal and enlightened principles. They could obtain no more. Since then a political hurricane has gone over three-fourths of the civilized portions of the earth, the desolation of which it may with confidence be expected is passing away, leaving at least the American atmosphere purified and refreshed. And now at this propitious moment the new-born nations of this hemisphere, assembling by their representatives at the isthmus between its two continents to settle the principles of their future international intercourse with other nations and with us, ask in this great exigency for our advice upon those very fundamental maxims which we from our cradle at first proclaimed and partially succeeded to introduce into the code of national law.

Without recurring to that total prostration of all neutral and commercial rights which marked the progress of the late European wars, and which finally involved the United States in them, and adverting only to our political relations with these American nations, it is observable that while in all other respects those relations have been uniformly and without exception of the most friendly and mutually satisfactory character, the only causes of difference and dissension between us and them which ever have arisen originated in those never-failing fountains of discord and irritation—discriminations of commercial favor to other nations, licentious privateers, and paper blockades. I can not without doing injustice to the Republics of Buenos Ayres and Colombia forbear to acknowledge the candid and conciliatory spirit with which they have repeatedly yielded to our friendly representations and remonstrances on these subjects—in repealing discriminative laws which operated to our disadvantage and in revoking the commissions of their privateers, to which Colombia has added the magnanimity of making reparation for unlawful captures by some of her cruisers and of assenting in the midst of war to treaty stipulations favorable to neutral navigation. But the recurrence of these

occasions of complaint has rendered the renewal of the discussions which result in the removal of them necessary, while in the meantime injuries are sustained by merchants and other individuals of the United States which can not be repaired, and the remedy lingers in overtaking the pernicious operation of the mischief. The settlement of general principles pervading with equal efficacy all the American States can alone put an end to these evils, and can alone be accomplished at the proposed assembly.

If it be true that the noblest treaty of peace ever mentioned in history is that by which the Carthagenians were bound to abolish the practice of sacrificing their own children *because it was stipulated in favor of human nature*, I can not exaggerate to myself the unfading glory with which these United States will go forth in the memory of future ages if by their friendly counsel, by their moral influence, by the power of argument and persuasion alone they can prevail upon the American nations at Panama to stipulate by general agreement among themselves, and so far as any of them may be concerned, the perpetual abolition of private war upon the ocean. And if we can not yet flatter ourselves that this may be accomplished, as advances toward it the establishment of the principle that the friendly flag shall cover the cargo, the curtailment of contraband of war, and the proscription of fictitious paper blockades—engagements which we may reasonably hope will not prove impracticable—will, if successfully inculcated, redound proportionally to our honor and drain the fountain of many a future sanguinary war.

The late President of the United States, in his message to Congress of the 2d December, 1823, while announcing the negotiation then pending with Russia, relating to the northwest coast of this continent, observed that the occasion of the discussions to which that incident had given rise had been taken for asserting as a principle in which the rights and interests of the United States were involved that the American continents, by the free and independent condition which they had assumed and maintained, were thenceforward not to be considered as subjects for future colonization by any European power. The principle had first been assumed in that negotiation with Russia. It rested upon a course of reasoning equally simple and conclusive. With the exception of the existing European colonies, which it was in nowise intended to disturb, the two continents consisted of several sovereign and independent nations, whose territories covered their whole surface. By this their independent condition the United States enjoyed the right of commercial intercourse with every part of their possessions. To attempt the establishment of a colony in those possessions would be to usurp to the exclusion of others a commercial intercourse which was the common possession of all. It could not be done without encroaching upon existing rights of the United States. The Government of Russia has never disputed these positions nor manifested the slightest dissatisfaction at their having been

taken. Most of the new American Republics have declared their entire assent to them, and they now propose, among the subjects of consultation at Panama, to take into consideration the means of making effectual the assertion of that principle, as well as the means of resisting interference from abroad with the domestic concerns of the American Governments.

In alluding to these means it would obviously be premature at this time to anticipate that which is offered merely as matter for consultation, or to pronounce upon those measures which have been or may be suggested. The purpose of this Government is to concur in none which would import hostility to Europe or justly excite resentment in any of her States. Should it be deemed advisable to contract any conventional engagement on this topic, our views would extend no further than to a mutual pledge of the parties to the compact to maintain the principle in application to its own territory, and to permit no colonial lodgments or establishment of European jurisdiction upon its own soil; and with respect to the obtrusive interference from abroad—if its future character may be inferred from that which has been and perhaps still is exercised in more than one of the new States—a joint declaration of its character and exposure of it to the world may be probably all that the occasion would require. Whether the United States should or should not be parties to such a declaration may justly form a part of the deliberation. That there is an evil to be remedied needs little insight into the secret history of late years to know, and that this remedy may best be concerted at the Panama meeting deserves at least the experiment of consideration. A concert of measures having reference to the more effectual abolition of the African slave trade and the consideration of the light in which the political condition of the island of Hayti is to be regarded are also among the subjects mentioned by the minister from the Republic of Colombia as believed to be suitable for deliberation at the congress. The failure of the negotiations with that Republic undertaken during the late Administration, for the suppression of that trade, in compliance with a resolution of the House of Representatives, indicates the expediency of listening with respectful attention to propositions which may contribute to the accomplishment of the great end which was the purpose of that resolution, while the result of those negotiations will serve as admonition to abstain from pledging this Government to any arrangement which might be expected to fail of obtaining the advice and consent of the Senate by a constitutional majority to its ratification.

Whether the political condition of the island of Hayti shall be brought at all into discussion at the meeting may be a question for preliminary advisement. There are in the political constitution of Government of that people circumstances which have hitherto forbidden the acknowledgment of them by the Government of the United States as sovereign and independent. Additional reasons for withholding that acknowledgment have

recently been seen in their acceptance of a nominal sovereignty by the *grant* of a foreign prince under conditions equivalent to the concession by them of exclusive commercial advantages to one nation, adapted altogether to the state of colonial vassalage and retaining little of independence but the name. Our plenipotentiaries will be instructed to present these views to the assembly at Panama, and should they not be concurred in to decline acceding to any arrangement which may be proposed upon different principles.

The condition of the islands of Cuba and Porto Rico is of deeper import and more immediate bearing upon the present interests and future prospects of our Union. The correspondence herewith transmitted will show how earnestly it has engaged the attention of this Government. The invasion of both those islands by the united forces of Mexico and Colombia is avowedly among the objects to be matured by the belligerent States at Panama. The convulsions to which, from the peculiar composition of their population, they would be liable in the event of such an invasion, and the danger therefrom resulting of their falling ultimately into the hands of some European power other than Spain, will not admit of our looking at the consequences to which the congress at Panama may lead with indifference. It is unnecessary to enlarge upon this topic or to say more than that all our efforts in reference to this interest will be to preserve the existing state of things, the tranquillity of the islands, and the peace and security of their inhabitants.

And lastly, the congress of Panama is believed to present a fair occasion for urging upon all the new nations of the south the just and liberal principles of religious liberty; not by any interference whatever in their internal concerns, but by claiming for our citizens whose occupations or interests may call them to occasional residence in their territories the inestimable privilege of worshipping their Creator according to the dictates of their own consciences. This privilege, sanctioned by the customary law of nations and secured by treaty stipulations in numerous national compacts, secured even to our own citizens in the treaties with Colombia and with the Federation of Central America, is yet to be obtained in the other South American States and Mexico. Existing prejudices are still struggling against it, which may, perhaps, be more successfully combated at this general meeting than at the separate seats of Government of each Republic.

I can scarcely deem it otherwise than superfluous to observe that the assembly will be in its nature diplomatic and not legislative; that nothing can be transacted there obligatory upon any one of the States to be represented at the meeting, unless with the express concurrence of its own representatives, nor even then, but subject to the ratification of its constitutional authority at home. The faith of the United States to foreign powers can not otherwise be pledged. I shall, indeed, in the first instance, consider the assembly as merely *consultative;* and although the pleni-

potentiaries of the United States will be empowered to receive and refer to the consideration of their Government any proposition from the other parties to the meeting, they will be authorized to conclude nothing unless subject to the definitive sanction of this Government in all its constitutional forms. It has therefore seemed to me unnecessary to insist that every object to be discussed at the meeting should be specified with the precision of a judicial sentence or enumerated with the exactness of a mathematical demonstration. The purpose of the meeting itself is to deliberate upon the great and common *interests* of several new and neighboring nations. If the measure is new and without precedent, so is the situation of the parties to it. That the purposes of the meeting are somewhat indefinite, far from being an objection to it is among the cogent reasons for its adoption. It is not the establishment of principles of intercourse with one, but with seven or eight nations at once. That before they have had the means of exchanging ideas and communicating with one another in common upon these topics they should have definitively settled and arranged them in concert is to require that the effect should precede the cause; it is to exact as a preliminary to the meeting that for the accomplishment of which the meeting itself is designed.

Among the inquiries which were thought entitled to consideration before the determination was taken to accept the invitation was that whether the measure might not have a tendency to change the policy, hitherto invariably pursued by the United States, of avoiding all entangling alliances and all unnecessary foreign connections.

Mindful of the advice given by the father of our country in his Farewell Address, that the great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible, and faithfully adhering to the spirit of that admonition, I can not overlook the reflection that the counsel of Washington in that instance, like all the counsels of wisdom, was founded upon the circumstances in which our country and the world around us were situated at the time when it was given; that the reasons assigned by him for his advice were that Europe had a set of primary interests which to us had none or a very remote relation; that hence she must be engaged in frequent controversies, the causes of which were essentially foreign to our concerns; that our *detached* and *distant* situation invited and enabled us to pursue a different course; that by our union and rapid growth, with an efficient Government, the period was not far distant when we might defy material injury from external annoyance, when we might take such an attitude as would cause our neutrality to be respected, and, with reference to belligerent nations, might choose peace or war, as our interests, guided by justice, should counsel.

Compare our situation and the circumstances of that time with those of the present day, and what, from the very words of Washington then, would be his counsels to his countrymen now? Europe has still her

set of primary interests, with which we have little or a remote relation. Our distant and detached situation with reference to Europe remains the same. But we were then the only independent nation of this hemisphere, and we were surrounded by European colonies, with the greater part of which we had no more intercourse than with the inhabitants of another planet. Those colonies have now been transformed into eight independent nations, extending to our very borders, seven of them Republics like ourselves, with whom we have an immensely growing commercial, and *must* have and have already important political, connections; with reference to whom our situation is neither distant nor detached; whose political principles and systems of government, congenial with our own, must and will have an action and counteraction upon us and ours to which we can not be indifferent if we would.

The rapidity of our growth, and the consequent increase of our strength, has more than realized the anticipations of this admirable political legacy. Thirty years have nearly elapsed since it was written, and in the interval our population, our wealth, our territorial extension, our power—physical and moral—have nearly trebled. Reasoning upon this state of things from the sound and judicious principles of Washington, must we not say that the period which he predicted as then not far off has arrived; that *America* has a set of primary interests which have none or a remote relation to Europe; that the interference of Europe, therefore, in those concerns should be spontaneously withheld by her upon the same principles that we have never interfered with hers, and that if she should interfere, as she may, by measures which may have a great and dangerous recoil upon ourselves, we might be called in defense of our own altars and firesides to take an attitude which would cause our neutrality to be respected, and choose peace or war, as our interest, guided by justice, should counsel.

The acceptance of this invitation, therefore, far from conflicting with the counsel or the policy of Washington, is directly deducible from and conformable to it. Nor is it less conformable to the views of my immediate predecessor as declared in his annual message to Congress of the 2d December, 1823, to which I have already adverted, and to an important passage of which I invite the attention of the House:

> The citizens of the United States [said he] cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that [the European] side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed

unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations subsisting between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere; but with the Governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purposes of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which in the judgment of the competent authorities of this Government shall make a corresponding change on the part of the United States indispensable to their security.

To the question which may be asked, whether this meeting and the principles which may be adjusted and settled by it as rules of intercourse between the American nations may not give umbrage to the holy league of European powers or offense to Spain, it is deemed a sufficient answer that our attendance at Panama can give no *just cause* of umbrage or offense to either, and that the United States will stipulate nothing there which can give such cause. Here the right of inquiry into our purposes and measures must stop. The holy league of Europe itself was formed without inquiring of the United States whether it would or would not give umbrage to them. The fear of giving umbrage to the holy league of Europe was urged as a motive for denying to the American nations the acknowledgment of their independence. That it would be viewed by Spain as hostility to her was not only urged, but directly declared by herself. The Congress and Administration of that day consulted their rights and duties, and not their fears. Fully determined to give no needless displeasure to any foreign power, the United States can estimate the probability of their giving it only by the right which any foreign state could have to take it from their measures. Neither the representation of the United States at Panama nor any measure to which their assent may be yielded there will give to the holy league or any of its members, nor to Spain, the right to take offense; for the rest the United States must still, as heretofore, take counsel from their duties rather than their fears.

Such are the objects in which it is expected that the plenipotentiaries of the United States, when commissioned to attend the meeting at the Isthmus, will take part, and such are the motives and purposes with which the invitation of the three Republics was accepted. It was, however, as the House will perceive from the correspondence, accepted only upon condition that the nomination of commissioners for the mission should receive the advice and consent of the Senate.

The concurrence of the House to the measure by the appropriations necessary for carrying it into effect is alike subject to its free determination and indispensable to the fulfillment of the intention.

That the congress at Panama will accomplish all, or even any, of the transcendent benefits to the human race which warmed the conceptions of its first proposer it were perhaps indulging too sanguine a forecast of events to promise. It is in its nature a measure speculative and experimental. The blessing of Heaven may turn it to the account of human improvement; accidents unforeseen and mischances not to be anticipated may baffle all its high purposes and disappoint its fairest expectations. But the design is great, is benevolent, is humane.

It looks to the melioration of the condition of man. It is congenial with that spirit which prompted the declaration of our independence, which inspired the preamble of our first treaty with France, which dictated our first treaty with Prussia and the instructions under which it was negotiated, which filled the hearts and fired the souls of the immortal founders of our Revolution.

With this unrestricted exposition of the motives by which I have been governed in this transaction, as well as of the objects to be discussed and of the ends, if possible, to be attained by our representation at the proposed congress, I submit the propriety of an appropriation to the candid consideration and enlightened patriotism of the Legislature.

JOHN QUINCY ADAMS.

WASHINGTON, *March 16, 1826.*

To the Senate of the United States:

Some additional documents having relation to the objects of the mission to the congress at Panama, and received since the communication of those heretofore sent, are now transmitted to the Senate.

JOHN QUINCY ADAMS.

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 10th instant, requesting information in possession of the Government relating to certain resolves of the Congress of the Confederation of the 21st of October, 1780, and the 21st March, 1783, concerning allowances to the officers of the Revolutionary army, and to the manner of carrying into effect those resolves, and other particulars appertaining thereto, I transmit reports from the Secretaries of State, of the Treasury, and of War, with documents, comprising the information desired by the House.

MARCH 22, 1826. JOHN QUINCY ADAMS.

WASHINGTON, *March 24, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 14th ultimo, requesting statements of the amount of compensation allowed to the paymaster and quartermaster of the Marine Corps for

the two years preceding the 1st of January, 1826, and of other particulars relating to the same Corps, I communicate a report from the Secretary of the Navy, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March 24, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 16th ultimo, requesting statements of the net amount of revenue derived from imports and tonnage received by the Treasury from the ports within the bay of Delaware, the bay of Chesapeake, the harbor of New York, and at Boston from the 1st of January, 1790, to the last of December, 1825, and of the amount of expenditures paid from the Treasury for forts, light-houses, beacons, and other public works erected to aid commerce or for the purposes of defense within the said bays and harbors during the said time, I transmit herewith a report from the Secretary of the Treasury, with several documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March 29, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of the 27th instant, requesting a copy of such parts of the answer of the Secretary of State to Mr. Poinsett's letter to Mr. Clay, dated Mexico, 28th September, 1825, No. 22, as relates to the pledge of the United States therein mentioned; and also requesting me to inform the House whether the United States have in any manner made any pledge to the Governments of Mexico and South America that the United States would not permit the interference of any foreign power with the independence or form of government of these nations, and, if so, when, in what manner, and to what effect; and also to communicate to the House a copy of the communication from our minister at Mexico in which he informed the Government of the United States that the Mexican Government called upon this Government to fulfill the memorable pledge of the President of the United States in his message to Congress of December, 1823, I transmit to the House a report from the Secretary of State, with the documents containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March 30, 1826.*

To the Senate and House of Representatives of the United States:

By the second article of the general convention of peace, amity, navigation, and commerce between the United States and the Republic of Colombia, concluded at Bogota on 3d of October, 1824, it was stipulated

that the parties engaged mutually not to grant any particular favor to other nations in respect of commerce and navigation which should not immediately become common to the other party, who should enjoy the same freely if the concession was freely made, or on allowing the same compensation if the concession was conditional. And in the third article of the same convention it was agreed that the citizens of the United States might frequent all the coasts and countries of the Republic of Colombia, and reside and trade there in all sorts of produce, manufactures, and merchandise, and should pay no other or greater duties, charges, or fees whatsoever than the most favored nation should be obliged to pay, and should enjoy all the rights, privileges, and exemptions in navigation and commerce which the most favored nations should enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages there established, and to which were submitted the subjects and citizens of the most favored nations; with a reciprocal stipulation in favor of the citizens of the Republic of Colombia in the United States. Subsequently to the conclusion of this convention a treaty was negotiated between the Republic of Colombia and Great Britain, by which it was stipulated that no other or higher duties on account of tonnage, light, or harbor dues should be imposed in the ports of Colombia on British vessels than those payable in the same ports by Colombian vessels, and that the same duties should be paid on the importation into the territories of Colombia of any article the growth, produce, or manufacture of His Britannic Majesty's dominions, whether such importations should be in Colombian or in British vessels, and that the same duties should be paid and the same discount (drawbacks) and bounties allowed on the exportation of any articles the growth, produce, or manufacture of Colombia to His Britannic Majesty's dominions, whether such exportations were in Colombian or in British vessels.

The minister of the United States to the Republic of Colombia having claimed, by virtue of the second and third articles of the convention between the two Republics, that the benefit of these subsequent stipulations should be alike extended to the citizens of the United States upon the condition of reciprocity provided for by the convention, the application of those engagements was readily acceded to by the Colombian Government, and a decree was issued by the executive authority of that Republic on the 30th of January last, a copy and translation of which are herewith communicated, securing to the citizens of the United States in the Republic of Colombia the same advantages in regard to commerce and navigation which had been conceded to British subjects in the Colombian treaty with Great Britain.

It remains for the Government of the United States to secure to the citizens of the Republic of Colombia the reciprocal advantages to which they are entitled by the terms of the convention, to commence from the 30th of January last, for the accomplishment of which I invite the favorable consideration of the Legislature.

JOHN QUINCY ADAMS.

WASHINGTON, *March 31, 1826.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of the 21st instant, requesting information whether any, and what, measures have been taken to improve the navigation over the sand bars in the Ohio River according to the provisions of the act of the 24th of May, 1824, to improve the navigation of the Ohio and Mississippi rivers, and also whether the experiments mentioned in the proviso to the first section of the said act have been made, and, if so, what success has attended them, I transmit herewith a report from the Secretary of War, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March 31, 1826.*

To the Senate of the United States:

I communicate to the Senate herewith a supplementary article to the treaty with the chiefs and headmen of the Creek Nation, in behalf of that nation, which was transmitted to the Senate on the 31st of January last, and which I submit, together with and as a part of that treaty, for the constitutional advice of the Senate with regard to its ratification. A report of the Secretary of War accompanies the article, setting forth the reasons for which it has been concluded.

JOHN QUINCY ADAMS.

WASHINGTON, *April 3, 1826.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of the 13th ultimo, requesting a statement of all the expenditures incident or relating to internal improvement for the years 1824 and 1825, I transmit reports from the Secretaries of the Treasury and of War, with documents, containing the statement desired.

JOHN QUINCY ADAMS.

WASHINGTON, *April 3, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of the 7th ultimo, requesting information relative to the execution of an act of Congress of the 7th May, 1822, to authorize and empower the corporation of the city of Washington, in the District of Columbia, to drain the low grounds on and near the public reservations, and to improve and ornament certain parts of such reservations, I transmit herewith a report from the commissioners appointed by the corporation of the city to carry into effect the provisions of the said act, together with sundry documents, exhibiting the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *April 5, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of the 30th ultimo, I transmit to the House a report* from the Secretary of State, with the documents desired by the resolution; and also a copy of the letter from the Secretary of State to Mr. Poinsett acknowledging the receipt of his dispatch No. 22, accidentally overlooked in the answer to the resolution of the House of the 27th ultimo.

JOHN QUINCY ADAMS.

WASHINGTON, *April 11, 1826.*

To the Senate of the United States:

On the 16th of January last I sent to the Senate a nomination of Daniel Bissell to be colonel of the Second Regiment of Artillery, and on the 3d of February I received from the Secretary of the Senate an attested copy of their proceedings in relation to that nomination, laid before me by their order, and closing with a resolution in these words:

Resolved, That in the opinion of the Senate Daniel Bissell is entitled to the place of colonel in the Army of the United States, taking rank as such from the 15th of August, 1812, with the brevet of brigadier-general from the 9th of March, 1814, and that the President of the United States may arrange him accordingly.

In the discharge of my own duties I am under the necessity of stating respectfully to the Senate—

First. That I can not concur in these opinions.

Secondly. That the resolution of the Senate, having on its face no reference either to the nomination or to the office for which it was made, leaves me doubtful whether it was intended by the Senate as their decision upon the nomination or not. If intended as their decision, it imports that the Senate do not advise and consent to the appointment of Daniel Bissell as colonel in the Second Regiment of Artillery. If intended as a mere expression of their opinions, superseding in their judgment the necessity of their immediate decision upon the nomination, it leaves the Senate still in possession of the nomination and free to act upon it when informed of my inability to carry those opinions into effect.

In this uncertainty I have thought it most respectful to the Senate to refer the subject again to them for their consideration. The delay in the transmission of this communication is attributable to the earnest desire which I have entertained of acceding to the opinions and complying with the wishes of the Senate, and to the long and repeated reconsideration of my own impressions with the view to make them, if possible, conform to theirs. A still higher duty now constrains me to invite their definitive decision upon the nomination.

JOHN QUINCY ADAMS.

*Relating to the proposed congress of the Spanish American States.

WASHINGTON, *April 15, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 11th instant, I transmit herewith a report* of the Secretary of State, and documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *April 25, 1826.*

To the Senate and House of Representatives of the United States:

I now transmit to both Houses of Congress copies of a treaty with the Creek Nation of Indians, concluded on the 24th day of January last, with a supplementary article, signed on the 31st of last month, which have been, with the advice and consent of the Senate, duly ratified. I send at the same time copies of the treaty superseded by them, signed at the Indian Springs on the 12th of February, 1825. The treaty and supplementary article now ratified will require the aid of the Legislature for carrying them into effect. And I subjoin a letter from the Secretary of War, proposing an additional appropriation for the purpose of facilitating the removal of that portion of the Creek Nation which may be disposed to remove west of the Mississippi, recommending the whole subject to the favorable consideration of Congress.

JOHN QUINCY ADAMS.

WASHINGTON, *April 25, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of the 4th of January last, I now transmit reports from the Secretaries of State, of the Treasury, and of War, and from the Postmaster-General, with the documents containing the list of appointments of members of Congress and other information relating thereto desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *April 28, 1826.*

To the Senate of the United States:

I transmit herewith to the Senate, for their advice concerning its ratification, a general convention of friendship, commerce, and navigation between the United States and His Majesty the King of Denmark, signed by the Secretary of State and the Danish minister on the 26th instant. A copy of the convention and a note from the Secretary of State, together with Mr. Pedersen's answer, respecting the claims of the citizens of the United States upon the Danish Government, are likewise communicated.

JOHN QUINCY ADAMS.

*Relative to governments to be represented at the congress at Panama.

WASHINGTON, *April 29, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 26th instant, I transmit herewith a report from the Secretary of the Treasury, with a copy of the opinion of the Attorney-General* referred to in the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *May 9, 1826.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 28th ultimo, I transmit herewith a report from the Secretary of War, with a copy of the proceedings of the recent court-martial for the trial of Colonel Talbot Chambers, and other documents requested by the resolution or relating to the subject of it.

JOHN QUINCY ADAMS.

WASHINGTON, *May 15, 1826.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 23d of March last, requesting information concerning the official conduct of the collector and other revenue officers of the port of Philadelphia, I transmit herewith a report from the Secretary of the Treasury, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *May 16, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 9th instant, I communicate herewith a report* from the Secretary of the Treasury, with the documents desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *May 17, 1826.*

To the Senate and House of Representatives of the United States:

I communicate to both Houses of Congress copies of treaties with Indian tribes which have been, by and with the advice and consent of the Senate, duly ratified during the present session of Congress:

(1) With the Great and Little Osage tribes, concluded June 2, 1825; (2) Kansas, June 3, 1825; (3) Poncar, June 9, 1825; (4) Teton, Yancton, and Yanctonies, June 22, 1825; (5) Sioune and Ogallala, July 5 and 12, 1825; (6) Chayenne, July 6, 1825; (7) Hunkpapas, July 16, 1825;

*Respecting the right of a foreign minister to retain money advanced by the President as an outfit beyond the sum appropriated by law.

(8) Ricara, July 18, 1825; (9) Mandan, July 30, 1825; (10) Belantse-Etoa, or Minnetaree, July 30, 1825; (11) Crow, August 4, 1825; (12) Great and Little Osage, August 10, 1825; (13) Kansas, August 16, 1825; (14) Sioux, Chippewa, Sac and Fox, Menomenee, Ioway, Sioux, Winnebago, and a portion of the Ottawa, Chippewa, and Pottawatomie tribes, August 19, 1825; (15) Ottoe and Missouri, September 26, 1825; (16) Pawnee, September 30, 1825; (17) Maha, October 6, 1825; (18) Shawnee, November 7, 1825.

JOHN QUINCY ADAMS.

WASHINGTON, *May 19, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of the 16th instant, I transmit a report* from the Secretary of State, containing the information thereby requested.

JOHN QUINCY ADAMS.

WASHINGTON, *May 20, 1826.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 5th of March, 1824, requesting copies of the several instructions to the ministers of the United States to the Government of France and of the correspondence between the said ministers and Government having reference to the spoliations committed by that power on the commerce of the United States anterior to the 30th of September, 1800, or so much thereof as can be communicated without prejudice to the public interest; also how far, if at all, the claim of indemnity from the Government of France for the spoliations aforesaid was affected by the convention entered into between the United States and France on the said 30th of September, 1800, I transmit herewith a report from the Secretary of State, with the documents desired by the resolution.

JOHN QUINCY ADAMS.

EXECUTIVE ORDER.

ADJUTANT-GENERAL'S OFFICE,
Washington, July 11, 1826.

GENERAL ORDERS.

The General in Chief has received from the Department of War the following orders:

The President with deep regret announces to the Army that it has pleased the Disposer of All Human Events, in whose hands are the issues

*Relating to the negotiations with Great Britain for a cession of certain keys on the Bahama Banks.

of life, to remove from the scene of earthly existence our illustrious and venerated fellow-citizen, Thomas Jefferson.

This dispensation of Divine Providence, afflicting to us, but the consummation of glory to him, occurred on the 4th of the present month—on the fiftieth anniversary of that Independence the Declaration of which, emanating from his mind, at once proclaimed the birth of a free nation and offered motives of hope and consolation to the whole family of man. Sharing in the grief which every heart must feel for so heavy and afflicting a public loss, and desirous to express his high sense of the vast debt of gratitude which is due to the virtues, talents, and ever-memorable services of the illustrious deceased, the President directs that funeral honors be paid to him at all the military stations, and that the officers of the Army wear crape on the left arm, by way of mourning, for six months.

Major-General Brown will give the necessary orders for carrying into effect the foregoing directions.

J. BARBOUR.

It has become the painful duty of the Secretary of War to announce to the Army the death of another distinguished and venerated citizen. John Adams departed this life on the 4th of this month. Like his compatriot Jefferson, he aided in drawing and ably supporting the Declaration of Independence. With a prophetic eye he looked through the impending difficulties of the Revolution and foretold with what demonstrations of joy the anniversary of the birth of American freedom would be hailed. He was permitted to behold the verification of his prophecy, and died, as did Jefferson, on the day of the jubilee.

A coincidence of circumstances so wonderful gives confidence to the belief that the patriotic efforts of these illustrious men were Heaven directed, and furnishes a new seal to the hope that the prosperity of these States is under the special protection of a kind Providence.

The Secretary of War directs that the same funeral honors be paid by the Army to the memory of the deceased as by the order of the 7th [11th?] instant were directed to be paid to Thomas Jefferson, and the same token of mourning be worn.

Major-General Brown is charged with the execution of this order.

J. BARBOUR.

Never has it fallen to the lot of any commander to announce to an army such an event as now calls forth the mingled grief and astonishment of this Republic; never since History first wrote the record of time has one day thus mingled every triumphant with every tender emotion, and consecrated a nation's joy by blending it with the most sacred of sorrows.

Yes, soldiers, in one day, almost in the same hour, have two of the Founders of the Republic, the Patriarchs of Liberty, closed their services to social man, after beholding them crowned with the richest and most unlimited success. United in their end as they had been in their highest aim, their toils completed, their hopes surpassed, their honors full, and the dearest wish of their bosoms gratified in death, they closed their eyes in patriot ecstasy, amidst the gratulations and thanksgivings of a people on all, on every individual, of whom they had conferred the best of all earthly benefits.

Such men need no trophies; they ask no splendid mausolea. We are their monuments; their mausolea is their country, and her growing prosperity the amaranthine wreath that Time shall place over their dust. Well may the Genius of the Republic mourn. If she turns her eyes in one direction, she beholds the hall where Jefferson wrote the charter of her rights; if in another, she sees the city where Adams kindled the fires of the Revolution. To no period of our history, to no department of our affairs, can she direct her views and not meet the multiplied memorials of her loss and of their glory.

At the grave of such men envy dies, and party animosity blushes while she quenches her fires. If Science and Philosophy lament their enthusiastic votary in the halls of Monticello, Philanthropy and Eloquence weep with no less reason in the retirement of Quincy. And when hereafter the stranger performing his pilgrimage to the land of freedom shall ask for the monument of Jefferson, his inquiring eye may be directed to the dome of that temple of learning, the university of his native State—the last labor of his untiring mind, the latest and the favorite gift of a patriot to his country.

Bereaved yet happy America! Mourning yet highly favored country! Too happy if every son whose loss shall demand thy tears can thus soothe thy sorrow by a legacy of fame.

The Army of the United States, devoted to the service of the country, and honoring all who are alike devoted, whether in the Cabinet or the field, will feel an honorable and a melancholy pride in obeying this order. Let the officers, then, wear the badge of mourning, the poor emblem of a sorrow which words can not express, but which freemen must ever feel while contemplating the graves of the venerated Fathers of the Republic.

Tuesday succeeding the arrival of this order at each military station shall be a day of rest.

The National flag shall wave at half-mast.

At early dawn thirteen guns shall be fired, and at intervals of thirty minutes between the rising and setting sun a single cannon will be discharged, and at the close of the day twenty-four rounds.

By command of Major-General Brown:

R. JONES, *Adjutant-General.*

SECOND ANNUAL MESSAGE.

WASHINGTON, *December 5, 1826.*

Fellow-Citizens of the Senate and of the House of Representatives:

The assemblage of the representatives of our Union in both Houses of the Congress at this time occurs under circumstances calling for the renewed homage of our grateful acknowledgments to the Giver of All Good. With the exceptions incidental to the most felicitous condition of human existence, we continue to be highly favored in all the elements which contribute to individual comfort and to national prosperity. In the survey of our extensive country we have generally to observe abodes of health and regions of plenty. In our civil and political relations we have peace without and tranquillity within our borders. We are, as a people, increasing with unabated rapidity in population, wealth, and national resources, and whatever differences of opinion exist among us with regard to the mode and the means by which we shall turn the beneficence of Heaven to the improvement of our own condition, there is yet a spirit animating us all which will not suffer the bounties of Providence to be showered upon us in vain, but will receive them with grateful hearts, and apply them with unwearied hands to the advancement of the general good.

Of the subjects recommended to Congress at their last session, some were then definitively acted upon. Others, left unfinished, but partly matured, will recur to your attention without needing a renewal of notice from me. The purpose of this communication will be to present to your view the general aspect of our public affairs at this moment and the measures which have been taken to carry into effect the intentions of the Legislature as signified by the laws then and heretofore enacted.

In our intercourse with the other nations of the earth we have still the happiness of enjoying peace and a general good understanding, qualified, however, in several important instances by collisions of interest and by unsatisfied claims of justice, to the settlement of which the constitutional interposition of the legislative authority may become ultimately indispensable.

By the decease of the Emperor Alexander, of Russia, which occurred cotemporaneously with the commencement of the last session of Congress, the United States have been deprived of a long-tried, steady, and faithful friend. Born to the inheritance of absolute power and trained in the school of adversity, from which no power on earth, however absolute, is exempt, that monarch from his youth had been taught to feel the force and value of public opinion and to be sensible that the interests of his own Government would best be promoted by a frank and friendly intercourse with this Republic, as those of his people would be advanced by a

liberal commercial intercourse with our country. A candid and confidential interchange of sentiments between him and the Government of the United States upon the affairs of Southern America took place at a period not long preceding his demise, and contributed to fix that course of policy which left to the other Governments of Europe no alternative but that of sooner or later recognizing the independence of our southern neighbors, of which the example had by the United States already been set. The ordinary diplomatic communications between his successor, the Emperor Nicholas, and the United States have suffered some interruption by the illness, departure, and subsequent decease of his minister residing here, who enjoyed, as he merited, the entire confidence of his new sovereign, as he had eminently responded to that of his predecessor. But we have had the most satisfactory assurances that the sentiments of the reigning Emperor toward the United States are altogether conformable to those which had so long and constantly animated his imperial brother, and we have reason to hope that they will serve to cement that harmony and good understanding between the two nations which, founded in congenial interests, can not but result in the advancement of the welfare and prosperity of both.

Our relations of commerce and navigation with France are, by the operation of the convention of 24th of June, 1822, with that nation, in a state of gradual and progressive improvement. Convinced by all our experience, no less than by the principles of fair and liberal reciprocity which the United States have constantly tendered to all the nations of the earth as the rule of commercial intercourse which they would universally prefer, that fair and equal competition is most conducive to the interests of both parties, the United States in the negotiation of that convention earnestly contended for a mutual renunciation of discriminating duties and charges in the ports of the two countries. Unable to obtain the immediate recognition of this principle in its full extent, after reducing the duties of discrimination so far as was found attainable it was agreed that at the expiration of two years from the 1st of October, 1822, when the convention was to go into effect, unless a notice of six months on either side should be given to the other that the convention itself must terminate, those duties should be reduced one-fourth, and that this reduction should be yearly repeated, until all discrimination should cease, while the convention itself should continue in force. By the effect of this stipulation three-fourths of the discriminating duties which had been levied by each party upon the vessels of the other in its ports have already been removed; and on the 1st of next October, should the convention be still in force, the remaining fourth will be discontinued. French vessels laden with French produce will be received in our ports on the same terms as our own, and ours in return will enjoy the same advantages in the ports of France.

By these approximations to an equality of duties and of charges not

only has the commerce between the two countries prospered, but friendly dispositions have been on both sides encouraged and promoted. They will continue to be cherished and cultivated on the part of the United States. It would have been gratifying to have had it in my power to add that the claims upon the justice of the French Government, involving the property and the comfortable subsistence of many of our fellow-citizens, and which have been so long and so earnestly urged, were in a more promising train of adjustment than at your last meeting; but their condition remains unaltered.

With the Government of the Netherlands the mutual abandonment of discriminating duties had been regulated by legislative acts on both sides. The act of Congress of the 20th of April, 1818, abolished all discriminating duties of impost and tonnage upon the vessels and produce of the Netherlands in the ports of the United States upon the assurance given by the Government of the Netherlands that all such duties operating against the shipping and commerce of the United States in that Kingdom had been abolished. These reciprocal regulations had continued in force several years when the discriminating principle was resumed by the Netherlands in a new and indirect form by a bounty of 10 per cent in the shape of a return of duties to their national vessels, and in which those of the United States are not permitted to participate. By the act of Congress of 7th January, 1824, all discriminating duties in the United States were again suspended, so far as related to the vessels and produce of the Netherlands, so long as the reciprocal exemption should be extended to the vessels and produce of the United States in the Netherlands. But the same act provides that in the event of a restoration of discriminating duties to operate against the shipping and commerce of the United States in any of the foreign countries referred to therein the suspension of discriminating duties in favor of the navigation of such foreign country should cease and all the provisions of the acts imposing discriminating foreign tonnage and impost duties in the United States should revive and be in full force with regard to that nation.

In the correspondence with the Government of the Netherlands upon this subject they have contended that the favor shown to their own shipping by this bounty upon their tonnage is not to be considered as a discriminating duty; but it can not be denied that it produces all the same effects. Had the mutual abolition been stipulated by treaty, such a bounty upon the national vessels could scarcely have been granted consistently with good faith. Yet as the act of Congress of 7th January, 1824, has not expressly authorized the Executive authority to determine what shall be considered as a revival of discriminating duties by a foreign government to the disadvantage of the United States, and as the retaliatory measure on our part, however just and necessary, may tend rather to that conflict of legislation which we deprecate than to that concert to which we invite all commercial nations, as most conducive to

their interest and our own, I have thought it more consistent with the spirit of our institutions to refer the subject again to the paramount authority of the Legislature to decide what measure the emergency may require than abruptly by proclamation to carry into effect the minatory provisions of the act of 1824.

During the last session of Congress treaties of amity, navigation, and commerce were negotiated and signed at this place with the Government of Denmark, in Europe, and with the Federation of Central America, in this hemisphere. These treaties then received the constitutional sanction of the Senate, by the advice and consent to their ratification. They were accordingly ratified on the part of the United States, and during the recess of Congress have been also ratified by the other respective contracting parties. The ratifications have been exchanged, and they have been published by proclamations, copies of which are herewith communicated to Congress.

These treaties have established between the contracting parties the principles of equality and reciprocity in their broadest and most liberal extent, each party admitting the vessels of the other into its ports, laden with cargoes the produce or manufacture of any quarter of the globe, upon the payment of the same duties of tonnage and impost that are chargeable upon their own. They have further stipulated that the parties shall hereafter grant no favor of navigation or commerce to any other nation which shall not upon the same terms be granted to each other, and that neither party will impose upon articles of merchandise the produce or manufacture of the other any other or higher duties than upon the like articles being the produce or manufacture of any other country. To these principles there is in the convention with Denmark an exception with regard to the colonies of that Kingdom in the arctic seas, but none with regard to her colonies in the West Indies.

In the course of the last summer the term to which our last commercial treaty with Sweden was limited has expired. A continuation of it is in the contemplation of the Swedish Government, and is believed to be desirable on the part of the United States. It has been proposed by the King of Sweden that pending the negotiation of renewal the expired treaty should be mutually considered as still in force, a measure which will require the sanction of Congress to be carried into effect on our part, and which I therefore recommend to your consideration.

With Prussia, Spain, Portugal, and, in general, all the European powers between whom and the United States relations of friendly intercourse have existed their condition has not materially varied since the last session of Congress. I regret not to be able to say the same of our commercial intercourse with the colonial possessions of Great Britain in America. Negotiations of the highest importance to our common interests have been for several years in discussion between the two Governments, and on the part of the United States have been invariably pursued in the

spirit of candor and conciliation. Interests of great magnitude and delicacy had been adjusted by the conventions of 1815 and 1818, while that of 1822, mediated by the late Emperor Alexander, had promised a satisfactory compromise of claims which the Government of the United States, in justice to the rights of a numerous class of their citizens, was bound to sustain. But with regard to the commercial intercourse between the United States and the British colonies in America, it has been hitherto found impracticable to bring the parties to an understanding satisfactory to both. The relative geographical position and the respective products of nature cultivated by human industry had constituted the elements of a commercial intercourse between the United States and British America, insular and continental, important to the inhabitants of both countries; but it had been interdicted by Great Britain upon a principle heretofore practiced upon by the colonizing nations of Europe, of holding the trade of their colonies each in exclusive monopoly to herself. After the termination of the late war this interdiction had been revived, and the British Government declined including this portion of our intercourse with her possessions in the negotiation of the convention of 1815. The trade was then carried on exclusively in British vessels till the act of Congress, concerning navigation, of 1818 and the supplemental act of 1820 met the interdict by a corresponding measure on the part of the United States. These measures, not of retaliation, but of necessary self-defense, were soon succeeded by an act of Parliament opening certain colonial ports to the vessels of the United States coming directly from them, and to the importation from them of certain articles of our produce burdened with heavy duties, and excluding some of the most valuable articles of our exports. The United States opened their ports to British vessels from the colonies upon terms as exactly corresponding with those of the act of Parliament as in the relative position of the parties could be made, and a negotiation was commenced by mutual consent, with the hope on our part that a reciprocal spirit of accommodation and a common sentiment of the importance of the trade to the interests of the inhabitants of the two countries between whom it must be carried on would ultimately bring the parties to a compromise with which both might be satisfied. With this view the Government of the United States had determined to sacrifice something of that entire reciprocity which in all commercial arrangements with foreign powers they are entitled to demand, and to acquiesce in some inequalities disadvantageous to ourselves rather than to forego the benefit of a final and permanent adjustment of this interest to the satisfaction of Great Britain herself. The negotiation, repeatedly suspended by accidental circumstances, was, however, by mutual agreement and express assent, considered as pending and to be speedily resumed. In the meantime another act of Parliament, so doubtful and ambiguous in its import as to have been misunderstood by the officers in the colonies who were to carry it into execution, opens again certain

colonial ports upon new conditions and terms, with a threat to close them against any nation which may not accept those terms as prescribed by the British Government. This act, passed in July, 1825, not communicated to the Government of the United States, not understood by the British officers of the customs in the colonies where it was to be enforced, was nevertheless submitted to the consideration of Congress at their last session. With the knowledge that a negotiation upon the subject had long been in progress and pledges given of its resumption at an early day, it was deemed expedient to await the result of that negotiation rather than to subscribe implicitly to terms the import of which was not clear and which the British authorities themselves in this hemisphere were not prepared to explain.

Immediately after the close of the last session of Congress one of our most distinguished citizens was dispatched as envoy extraordinary and minister plenipotentiary to Great Britain, furnished with instructions which we could not doubt would lead to a conclusion of this long-controverted interest upon terms acceptable to Great Britain. Upon his arrival, and before he had delivered his letters of credence, he was met by an order of the British council excluding from and after the 1st of December now current the vessels of the United States from all the colonial British ports excepting those immediately bordering on our territories. In answer to his expostulations upon a measure thus unexpected he is informed that according to the ancient maxims of policy of European nations having colonies their trade is an exclusive possession of the mother country; that all participation in it by other nations is a boon or favor not forming a subject of negotiation, but to be regulated by the legislative acts of the power owning the colony; that the British Government therefore declines negotiating concerning it, and that as the United States did not forthwith accept purely and simply the terms offered by the act of Parliament of July, 1825, Great Britain would not now admit the vessels of the United States even upon the terms on which she has opened them to the navigation of other nations.

We have been accustomed to consider the trade which we have enjoyed with the British colonies rather as an interchange of mutual benefits than as a mere favor received; that under every circumstance we have given an ample equivalent. We have seen every other nation holding colonies negotiate with other nations and grant them freely admission to the colonies by treaty, and so far are the other colonizing nations of Europe now from refusing to negotiate for trade with their colonies that we ourselves have secured access to the colonies of more than one of them by treaty. The refusal, however, of Great Britain to negotiate leaves to the United States no other alternative than that of regulating or interdicting altogether the trade on their part, according as either measure may affect the interests of our own country, and with that exclusive object I would recommend the whole subject to your calm and candid deliberations.

It is hoped that our unavailing exertions to accomplish a cordial good understanding on this interest will not have an unpropitious effect upon the other great topics of discussion between the two Governments. Our northeastern and northwestern boundaries are still unadjusted. The commissioners under the seventh article of the treaty of Ghent have nearly come to the close of their labors; nor can we renounce the expectation, enfeebled as it is, that they may agree upon their report to the satisfaction or acquiescence of both parties. The commission for liquidating the claims for indemnity for slaves carried away after the close of the war has been sitting, with doubtful prospects of success. Propositions of compromise have, however, passed between the two Governments, the result of which we flatter ourselves may yet prove satisfactory. Our own dispositions and purposes toward Great Britain are all friendly and conciliatory; nor can we abandon but with strong reluctance the belief that they will ultimately meet a return, not of favors, which we neither ask nor desire, but of equal reciprocity and good will.

With the American Governments of this hemisphere we continue to maintain an intercourse altogether friendly, and between their nations and ours that commercial interchange of which mutual benefit is the source and mutual comfort and harmony the result is in a continual state of improvement. The war between Spain and them since the total expulsion of the Spanish military force from their continental territories has been little more than nominal, and their internal tranquillity, though occasionally menaced by the agitations which civil wars never fail to leave behind them, has not been affected by any serious calamity.

The congress of ministers from several of those nations which assembled at Panama, after a short session there, adjourned to meet again at a more favorable season in the neighborhood of Mexico. The decease of one of our ministers on his way to the Isthmus, and the impediments of the season, which delayed the departure of the other, deprived us of the advantage of being represented at the first meeting of the congress. There is, however, no reason to believe that any of the transactions of the congress were of a nature to affect injuriously the interests of the United States or to require the interposition of our ministers had they been present. Their absence has, indeed, deprived us of the opportunity of possessing precise and authentic information of the treaties which were concluded at Panama; and the whole result has confirmed me in the conviction of the expediency to the United States of being represented at the congress. The surviving member of the mission, appointed during your last session, has accordingly proceeded to his destination, and a successor to his distinguished and lamented associate will be nominated to the Senate. A treaty of amity, navigation, and commerce has in the course of the last summer been concluded by our minister plenipotentiary at Mexico with the united states of that Confederacy, which will also be laid before the Senate for their advice with regard to its ratification.

In adverting to the present condition of our fiscal concerns and to the prospects of our revenue the first remark that calls our attention is that they are less exuberantly prosperous than they were at the corresponding period of the last year. The severe shock so extensively sustained by the commercial and manufacturing interests in Great Britain has not been without a perceptible recoil upon ourselves. A reduced importation from abroad is necessarily succeeded by a reduced return to the Treasury at home. The net revenue of the present year will not equal that of the last, and the receipts of that which is to come will fall short of those in the current year. The diminution, however, is in part attributable to the flourishing condition of some of our domestic manufactures, and so far is compensated by an equivalent more profitable to the nation. It is also highly gratifying to perceive that the deficiency in the revenue, while it scarcely exceeds the anticipations of the last year's estimate from the Treasury, has not interrupted the application of more than eleven millions during the present year to the discharge of the principal and interest of the debt, nor the reduction of upward of seven millions of the capital of the debt itself. The balance in the Treasury on the 1st of January last was $5,201,650.43; the receipts from that time to the 30th of September last were $19,585,932.50; the receipts of the current quarter, estimated at $6,000,000, yield, with the sums already received, a revenue of about twenty-five millions and a half for the year; the expenditures for the three first quarters of the year have amounted to $18,714,226.66; the expenditures of the current quarter are expected, including the two millions of the principal of the debt to be paid, to balance the receipts; so that the expenses of the year, amounting to upward of a million less than its income, will leave a proportionally increased balance in the Treasury on the 1st of January, 1827, over that of the 1st of January last; instead of $5,200,000 there will be $6,400,000.

The amount of duties secured on merchandise imported from the commencement of the year till September 30 is estimated at $21,250,000, and the amount that will probably accrue during the present quarter is estimated at $4,250,000, making for the whole year $25,500,000, from which the drawbacks being deducted will leave a clear revenue from the customs receivable in the year 1827 of about $20,400,000, which, with the sums to be received from the proceeds of public lands, the bank dividends, and other incidental receipts, will form an aggregate of about $23,000,000, a sum falling short of the whole expenses of the present year little more than the portion of those expenditures applied to the discharge of the public debt beyond the annual appropriation of $10,000,000 by the act of the 3d March, 1817. At the passage of that act the public debt amounted to $123,500,000. On the 1st of January next it will be short of $74,000,000. In the lapse of these ten years $50,000,000 of public debt, with the annual charge of upward of $3,000,000 of interest upon them, have been extinguished. At the passage of that act, of the annual appropriation

of ten millions seven were absorbed in the payment of interest, and not more than three millions went to reduce the capital of the debt. Of the same ten millions, at this time scarcely four are applicable to the interest, and upward of six are effective in melting down the capital. Yet our experience has proved that a revenue consisting so largely of imposts and tonnage ebbs and flows to an extraordinary extent, with all the fluctuations incident to the general commerce of the world. It is within our recollection that even in the compass of the same last ten years the receipts of the Treasury were not adequate to the expenditures of the year, and that in two successive years it was found necessary to resort to loans to meet the engagements of the nation. The returning tides of the succeeding years replenished the public coffers until they have again begun to feel the vicissitude of a decline. To produce these alternations of fullness and exhaustion the relative operation of abundant or unfruitful seasons, the regulations of foreign governments, political revolutions, the prosperous or decaying condition of manufactures, commercial speculations, and many other causes, not always to be traced, variously combine. We have found the alternate swells and diminutions embracing periods of from two to three years. The last period of depression to us was from 1819 to 1822. The corresponding revival was from 1823 to the commencement of the present year. Still, we have no cause to apprehend a depression comparable to that of the former period, or even to anticipate a deficiency which will intrench upon the ability to apply the annual ten millions to the reduction of the debt. It is well for us, however, to be admonished of the necessity of abiding by the maxims of the most vigilant economy, and of resorting to all honorable and useful expedients for pursuing with steady and inflexible perseverance the total discharge of the debt.

Besides the seven millions of the loans of 1813 which will have been discharged in the course of the present year, there are nine millions which by the terms of the contracts would have been and are now redeemable. Thirteen millions more of the loan of 1814 will become redeemable from and after the expiration of the present month, and nine other millions from and after the close of the ensuing year. They constitute a mass of $31,000,000, all bearing an interest of 6 per cent, more than twenty millions of which will be immediately redeemable, and the rest within little more than a year. Leaving of this amount fifteen millions to continue at the interest of 6 per cent, but to be paid off as far as shall be found practicable in the years 1827 and 1828, there is scarcely a doubt that the remaining sixteen millions might within a few months be discharged by a loan at not exceeding 5 per cent, redeemable in the years 1829 and 1830. By this operation a sum of nearly half a million of dollars may be saved to the nation, and the discharge of the whole thirty-one millions within the four years may be greatly facilitated if not wholly accomplished.

By an act of Congress of 3d March, 1825, a loan for the purpose now

referred to, or a subscription to stock, was authorized, at an interest not exceeding 4½ per cent. But at that time so large a portion of the floating capital of the country was absorbed in commercial speculations and so little was left for investment in the stocks that the measure was but partially successful. At the last session of Congress the condition of the funds was still unpropitious to the measure; but the change so soon afterwards occurred that, had the authority existed to redeem the nine millions now redeemable by an exchange of stocks or a loan at 5 per cent, it is morally certain that it might have been effected, and with it a yearly saving of $90,000.

With regard to the collection of the revenue of imposts, certain occurrences have within the last year been disclosed in one or two of our principal ports, which engaged the attention of Congress at their last session and may hereafter require further consideration. Until within a very few years the execution of the laws for raising the revenue, like that of all our other laws, has been insured more by the moral sense of the community than by the rigors of a jealous precaution or by penal sanctions. Confiding in the exemplary punctuality and unsullied integrity of our importing merchants, a gradual relaxation from the provisions of the collection laws, a close adherence to which would have caused inconvenience and expense to them, had long become habitual, and indulgences had been extended universally because they had never been abused. It may be worthy of your serious consideration whether some further legislative provision may not be necessary to come in aid of this state of unguarded security.

From the reports herewith communicated of the Secretaries of War and of the Navy, with the subsidiary documents annexed to them, will be discovered the present condition and administration of our military establishment on the land and on the sea. The organization of the Army having undergone no change since its reduction to the present peace establishment in 1821, it remains only to observe that it is yet found adequate to all the purposes for which a permanent armed force in time of peace can be needed or useful. It may be proper to add that, from a difference of opinion between the late President of the United States and the Senate with regard to the construction of the act of Congress of 2d March, 1821, to reduce and fix the military peace establishment of the United States, it remains hitherto so far without execution that no colonel has been appointed to command one of the regiments of artillery. A supplementary or explanatory act of the Legislature appears to be the only expedient practicable for removing the difficulty of this appointment.

In a period of profound peace the conduct of the mere military establishment forms but a very inconsiderable portion of the duties devolving upon the administration of the Department of War. It will be seen by the returns from the subordinate departments of the Army that every

branch of the service is marked with order, regularity, and discipline; that from the commanding general through all the gradations of superintendence the officers feel themselves to have been citizens before they were soldiers, and that the glory of a republican army must consist in the spirit of freedom, by which it is animated, and of patriotism, by which it is impelled. It may be confidently stated that the moral character of the Army is in a state of continual improvement, and that all the arrangements for the disposal of its parts have a constant reference to that end.

But to the War Department are attributed other duties, having, indeed, relation to a future possible condition of war, but being purely defensive, and in their tendency contributing rather to the security and permanency of peace—the erection of the fortifications provided for by Congress, and adapted to secure our shores from hostile invasion; the distribution of the fund of public gratitude and justice to the pensioners of the Revolutionary war; the maintenance of our relations of peace and of protection with the Indian tribes, and the internal improvements and surveys for the location of roads and canals, which during the last three sessions of Congress have engaged so much of their attention, and may engross so large a share of their future benefactions to our country.

By the act of the 30th of April, 1824, suggested and approved by my predecessor, the sum of $30,000 was appropriated for the purpose of causing to be made the necessary surveys, plans, and estimates of the routes of such roads and canals as the President of the United States might deem of national importance in a commercial or military point of view, or necessary for the transportation of the public mail. The surveys, plans, and estimates for each, when completed, will be laid before Congress.

In execution of this act a board of engineers was immediately instituted, and have been since most assiduously and constantly occupied in carrying it into effect. The first object to which their labors were directed, by order of the late President, was the examination of the country between the tide waters of the Potomac, the Ohio, and Lake Erie, to ascertain the practicability of a communication between them, to designate the most suitable route for the same, and to form plans and estimates in detail of the expense of execution.

On the 3d of February, 1825, they made their first report, which was immediately communicated to Congress, and in which they declared that having maturely considered the circumstances observed by them personally, and carefully studied the results of such of the preliminary surveys as were then completed, they were decidedly of opinion that the communication was practicable.

At the last session of Congress, before the board of engineers were enabled to make up their second report containing a general plan and preparatory estimate for the work, the Committee of the House of Representatives upon Roads and Canals closed the session with a report

expressing the hope that the plan and estimate of the board of engineers might at this time be prepared, and that the subject be referred to the early and favorable consideration of Congress at their present session. That expected report of the board of engineers is prepared, and will forthwith be laid before you.

Under the resolution of Congress authorizing the Secretary of War to have prepared a complete system of cavalry tactics, and a system of exercise and instruction of field artillery, for the use of the militia of the United States, to be reported to Congress at the present session, a board of distinguished officers of the Army and of the militia has been convened, whose report will be submitted to you with that of the Secretary of War. The occasion was thought favorable for consulting the same board, aided by the results of a correspondence with the governors of the several States and Territories and other citizens of intelligence and experience, upon the acknowledged defective condition of our militia system, and of the improvements of which it is susceptible. The report of the board upon this subject is also submitted for your consideration.

In the estimates of appropriations for the ensuing year upward of $5,000,000 will be submitted for the expenditures to be paid from the Department of War. Less than two-fifths of this will be applicable to the maintenance and support of the Army. A million and a half, in the form of pensions, goes as a scarcely adequate tribute to the services and sacrifices of a former age, and a more than equal sum invested in fortifications, or for the preparations of internal improvement, provides for the quiet, the comfort, and happier existence of the ages to come. The appropriations to indemnify those unfortunate remnants of another race unable alike to share in the enjoyments and to exist in the presence of civilization, though swelling in recent years to a magnitude burdensome to the Treasury, are generally not without their equivalents in profitable value, or serve to discharge the Union from engagements more burdensome than debt.

In like manner the estimate of appropriations for the Navy Department will present an aggregate sum of upward of $3,000,000. About one-half of these, however, covers the current expenditures of the Navy in actual service, and one-half constitutes a fund of national property, the pledge of our future glory and defense. It was scarcely one short year after the close of the late war, and when the burden of its expenses and charges was weighing heaviest upon the country, that Congress, by the act of 29th April, 1816, appropriated $1,000,000 annually for eight years to the *gradual increase of the Navy*. At a subsequent period this annual appropriation was reduced to half a million for six years, of which the present year is the last. A yet more recent appropriation the last two years, for building ten sloops of war, has nearly restored the original appropriation of 1816 of a million for every year. The result is before us all. We have twelve line-of-battle ships, twenty frigates, and sloops of war in

proportion, which, with a few months of preparation, may present a line of floating fortifications along the whole range of our coast ready to meet any invader who might attempt to set foot upon our shores. Combining with a system of fortifications upon the shores themselves, commenced about the same time under the auspices of my immediate predecessor, and hitherto systematically pursued, it has placed in our possession the most effective sinews of war and has left us at once an example and a lesson from which our own duties may be inferred. The gradual increase of the Navy was the principle of which the act of 29th April, 1816, was the first development. It was the introduction of a system to act upon the character and history of our country for an indefinite series of ages. It was a declaration of that Congress to their constituents and to posterity that it was the destiny and the duty of these confederated States to become in regular process of time and by no petty advances a great naval power. That which they proposed to accomplish in eight years is rather to be considered as the measure of their means than the limitation of their design. They looked forward for a term of years sufficient for the accomplishment of a definite portion of their purpose, and they left to their successors to fill up the canvas of which they had traced the large and prophetic outline. The ships of the line and frigates which they had in contemplation will be shortly completed. The time which they had allotted for the accomplishment of the work has more than elapsed. It remains for your consideration how their successors may contribute their portion of toil and of treasure for the benefit of the succeeding age in the gradual increase of our Navy. There is perhaps no part of the exercise of the constitutional powers of the Federal Government which has given more general satisfaction to the people of the Union than this. The system has not been thus vigorously introduced and hitherto sustained to be now departed from or abandoned. In continuing to provide for the gradual increase of the Navy it may not be necessary or expedient to add for the present any more to the number of our ships; but should you deem it advisable to continue the yearly appropriation of half a million to the same objects, it may be profitably expended in providing a supply of timber to be seasoned and other materials for future use in the construction of docks or in laying the foundations of a school for naval education, as to the wisdom of Congress either of those measures may appear to claim the preference.

Of the small portions of this Navy engaged in actual service during the peace, squadrons have continued to be maintained in the Pacific Ocean, in the West India seas, and in the Mediterranean, to which has been added a small armament to cruise on the eastern coast of South America. In all they have afforded protection to our commerce, have contributed to make our country advantageously known to foreign nations, have honorably employed multitudes of our seamen in the service of their country, and have inured numbers of youths of the rising generation to lives of manly

hardihood and of nautical experience and skill. The piracies with which the West India seas were for several years infested have been totally suppressed, but in the Mediterranean they have increased in a manner afflictive to other nations, and but for the continued presence of our squadron would probably have been distressing to our own. The war which has unfortunately broken out between the Republic of Buenos Ayres and the Brazilian Government has given rise to very great irregularities among the naval officers of the latter, by whom principles in relation to blockades and to neutral navigation have been brought forward to which we can not subscribe and which our own commanders have found it necessary to resist. From the friendly disposition toward the United States constantly manifested by the Emperor of Brazil, and the very useful and friendly commercial intercourse between the United States and his dominions, we have reason to believe that the just reparation demanded for the injuries sustained by several of our citizens from some of his officers will not be withheld. Abstracts from the recent dispatches of the commanders of our several squadrons are communicated with the report of the Secretary of the Navy to Congress.

A report from the Postmaster-General is likewise communicated, presenting in a highly satisfactory manner the result of a vigorous, efficient, and economical administration of that Department. The revenue of the office, even of the year including the latter half of 1824 and the first half of 1825, had exceeded its expenditures by a sum of more than $45,000. That of the succeeding year has been still more productive. The increase of the receipts in the year preceding the 1st of July last over that of the year before exceeds $136,000, and the excess of the receipts over the expenditures of the year has swollen from $45,000 to nearly $80,000. During the same period contracts for additional transportation of the mail in stages for about 260,000 miles have been made, and for 70,000 miles annually on horseback. Seven hundred and fourteen new post-offices have been established within the year, and the increase of revenue within the last three years, as well as the augmentation of the transportation by mail, is more than equal to the whole amount of receipts and of mail conveyance at the commencement of the present century, when the seat of the General Government was removed to this place. When we reflect that the objects effected by the transportation of the mail are among the choicest comforts and enjoyments of social life, it is pleasing to observe that the dissemination of them to every corner of our country has outstripped in their increase even the rapid march of our population.

By the treaties with France and Spain, respectively ceding Louisiana and the Floridas to the United States, provision was made for the security of land titles derived from the Governments of those nations. Some progress has been made under the authority of various acts of Congress in the ascertainment and establishment of those titles, but claims to a

very large extent remain unadjusted. The public faith no less than the just rights of individuals and the interest of the community itself appears to require further provision for the speedy settlement of those claims, which I therefore recommend to the care and attention of the Legislature.

In conformity with the provisions of the act of 20th May last, to provide for erecting a penitentiary in the District of Columbia, and for other purposes, three commissioners were appointed to select a site for the erection of a penitentiary for the District, and also a site in the county of Alexandria for a county jail, both of which objects have been effected. The building of the penitentiary has been commenced, and is in such a degree of forwardness as to promise that it will be completed before the meeting of the next Congress. This consideration points to the expediency of maturing at the present session a system for the regulation and government of the penitentiary, and of defining the class of offenses which shall be punishable by confinement in this edifice.

In closing this communication I trust that it will not be deemed inappropriate to the occasion and purposes upon which we are here assembled to indulge a momentary retrospect, combining in a single glance the period of our origin as a national confederation with that of our present existence, at the precise interval of half a century from each other. Since your last meeting at this place the fiftieth anniversary of the day when our independence was declared has been celebrated throughout our land, and on that day, while every heart was bounding with joy and every voice was tuned to gratulation, amid the blessings of freedom and independence which the sires of a former age had handed down to their children, two of the principal actors in that solemn scene—the hand that penned the ever-memorable Declaration and the voice that sustained it in debate—were by one summons, at the distance of 700 miles from each other, called before the Judge of All to account for their deeds done upon earth. They departed cheered by the benedictions of their country, to whom they left the inheritance of their fame and the memory of their bright example. If we turn our thoughts to the condition of their country, in the contrast of the first and last day of that half century, how resplendent and sublime is the transition from gloom to glory! Then, glancing through the same lapse of time, in the condition of the individuals we see the first day marked with the fullness and vigor of youth, in the pledge of their lives, their fortunes, and their sacred honor to the cause of freedom and of mankind; and on the last, extended on the bed of death, with but sense and sensibility left to breathe a last aspiration to Heaven of blessing upon their country, may we not humbly hope that to them too it was a pledge of transition from gloom to glory, and that while their mortal vestments were sinking into the clod of the valley their emancipated spirits were ascending to the bosom of their God!

JOHN QUINCY ADAMS.

SPECIAL MESSAGES.

WASHINGTON, *December 7, 1826.*

To the Senate and House of Representatives of the United States:

I now transmit a report from the Secretary of War, with that of the Board of Engineers of Internal Improvement, concerning the proposed Chesapeake and Ohio Canal.

JOHN QUINCY ADAMS.

WASHINGTON, *December 8, 1826.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of War, with sundry documents, containing the information requested by a resolution of the House of the 8th of May last, relating to the lead mines belonging to the United States in Illinois and Missouri.

JOHN QUINCY ADAMS.

WASHINGTON, *December 8, 1826.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of War, with several documents, containing information required by a resolution of the House of the 20th of May last, respecting certain proposed donations of land by Indian tribes to any agent or commissioner of the United States.

JOHN QUINCY ADAMS.

WASHINGTON, *December 12, 1826.*

To the Senate of the United States:

I transmit herewith to the Senate, for their advice with regard to their ratification, the following treaties with Indian tribes:

1. A treaty made and concluded at the Fond du Lac of Lake Superior, between Lewis Cass and Thomas L. McKenney, commissioners on the part of the United States, and the Chippewa tribe of Indians, on the 5th of August, 1826.

2. A treaty made and concluded near the mouth of the Mississinewa, upon the Wabash, in the State of Indiana, between Lewis Cass, James B. Ray, and John Tipton, commissioners on the part of the United States, and the chiefs and warriors of the Potawatamie tribe of Indians, on the 16th of October, 1826.

3. A treaty made and concluded near the mouth of the Mississinewa, upon the Wabash, in the State of Indiana, between Lewis Cass, James B.

Ray, and John Tipton, commissioners on the part of the United States, and the chiefs and warriors of the Miami tribe of Indians, on the 23d of October, 1826.

JOHN QUINCY ADAMS.

WASHINGTON, *December 18, 1826.*

To the Senate and House of Representatives of the United States:

I transmit to Congress extracts of a letter, received since the commencement of their session, from the minister of the United States at London, having relation to the late discussions with the Government of Great Britain concerning the trade between the United States and the British colonies in America.

JOHN QUINCY ADAMS.

WASHINGTON, *December 20, 1826.*

To the Senate of the United States:

In the message to both Houses of Congress at the commencement of their present session it was intimated that the commission for liquidating the claims of our fellow-citizens to indemnity for slaves and other property carried away after the close of the late war with Great Britain in contravention to the first article of the treaty of Ghent had been sitting in this city with doubtful prospects of success, but that propositions had recently passed between the two Governments which it was hoped would lead to a satisfactory adjustment of that controversy.

I now transmit to the Senate, for their constitutional consideration and advice, a convention signed at London by the plenipotentiaries of the two Governments on the 13th of the last month, relating to this object. A copy of the convention is at the same time sent, together with a copy of the instructions under which it was negotiated and the correspondence relating to it. To avoid all delay these documents are now transmitted, consisting chiefly of original papers, the return of which is requested.

JOHN QUINCY ADAMS.

WASHINGTON, *December 22, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 12th instant, requesting information of the measures taken to carry into effect the act of Congress of 3d March, 1825, directing a road to be made from Little Rock to Cantonment Gibson, in the Territory of Arkansas, I transmit a report from the Secretary of War, with a letter from the Quartermaster-General, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *December 22, 1826.*

To the House of Representatives of the United States:

I communicate to the House of Representatives a report from the Secretary of State, with a copy of the three articles* (marked A) requested by the resolution of the House of the 19th instant. The third of those articles relating to a subject upon which the negotiation between the two Governments is yet open, the communication of all the other documents relating to it is reserved to a future period, when it may be closed.

JOHN QUINCY ADAMS.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with sundry documents, containing the information requested by two resolutions of the House of the 15th instant, relating to the proceedings of the congress of ministers which assembled last summer at Panama.

The occasion is taken to communicate at the same time two other dispatches, from the minister of the United States to the Mexican Confederation, one of which should have been communicated at the last session of Congress but that it was then accidentally mislaid, and the other having relation to the same subject.

JOHN QUINCY ADAMS.

DECEMBER 26, 1826.

WASHINGTON, *January 10, 1827.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 6th instant, I transmit herewith a report from the Secretary of State, together with copies of the correspondence with the Government of the Netherlands, relating to discriminating duties.

JOHN QUINCY ADAMS.

WASHINGTON, *January 10, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 20th of May last, requesting a detailed statement of the expenditures for the construction and repair of the Cumberland road, I now transmit a report from the Secretary of the Treasury, with the statement requested by the resolution.

JOHN QUINCY ADAMS.

*Referred to in the protocol of the third conference of the American and British plenipotentiaries on February 5, 1824, relating to trade with Great Britain.

WASHINGTON, *January 10, 1827.*

To the Senate and House of Representatives of the United States:

I transmit to both Houses of Congress a report from the Secretary of the Navy, together with that of the engineer by whom, conformably to a joint resolution of the two Houses of the 22d May last, an examination and survey has been made of a site for a dry dock at the navy-yard at Portsmouth, N. H.; Charlestown, Mass.; Brooklyn, N. Y., and Gosport, Va.

JOHN QUINCY ADAMS.

WASHINGTON, *January 15, 1827.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 20th of May last, I transmit herewith a report from the Secretary of State, touching the impressment of seamen from on board American vessels on the high seas or elsewhere by the commanders of British or other foreign vessels or ships of war since 18th of February, 1815, together with such correspondence on the subject as comes within the purview of the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 15, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 21st of last month, I now transmit a letter from the Secretary of War, with a report from the Chief Engineer and a statement of the Third Auditor, shewing the amount disbursed of the appropriation made by the act of 24th May, 1824, to improve the navigation of the Ohio and Mississippi rivers, and the state and progress of the work contemplated by the appropriation.

JOHN QUINCY ADAMS.

WASHINGTON, *January 15, 1827.*

To the Senate and House of Representatives of the United States:

I communicate to Congress a letter from the Secretary of War, together with a report of the Chief Engineer, and certain acts of the legislature of the State of New York proposing to the Government of the United States the purchase of the fortifications erected at the expense of the State on Staten Island, with the ordnance and other apparatus belonging to or connected with the same. These papers were prepared at the close of the last session of Congress, at too late a period to be then acted upon.

JOHN QUINCY ADAMS.

WASHINGTON, *January 16, 1827.*

To the Senate and House of Representatives of the United States:

I communicate to both Houses of Congress copies of a convention between the United States and Great Britain, signed on the 13th of November last at London by the respective plenipotentiaries of the two Governments, for the final settlement and liquidation of certain claims of indemnity of citizens of the United States which had arisen under the first article of the treaty of Ghent. It having been stipulated by this convention that the exchange of the ratifications of the same should be made at London, the usual proclamation of it here can only be issued when that event shall have taken place, the notice of which can scarcely be expected before the close of the present session of Congress. But it has been duly ratified on the part of the United States, and by the report of the Secretary of State and the accompanying certificate herewith also communicated it will be seen that the first half of the stipulated payment has been made by the minister of His Britannic Majesty residing here, and has been deposited in the office of the Bank of the United States at this place to await the disposal of Congress.

I recommend to their consideration the expediency of such legislative measures as they may deem proper for the distribution of the sum already paid, and of that hereafter to be received, among the claimants who may be found entitled to the indemnity.

JOHN QUINCY ADAMS.

WASHINGTON, *January 17, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 10th of May last, I transmit a report from the Secretary of the Treasury, with a letter from the Director of the Mint, shewing the result of the assay of foreign coins and the information otherwise relating thereto desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 29, 1827.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 23d instant, I transmit herewith a report* from the Secretary of State, with the accompanying documents.

JOHN QUINCY ADAMS.

WASHINGTON, *January 29, 1827.*

To the Senate of the United States:

The report from the Commissioner of the General Land Office and the accompanying documents herewith transmitted are laid before the

*Concerning the assembly of American ministers at Tacubaya, Mexico.

Senate in compliance with their resolution of the 4th of April last, relating to the public lands of the United States in the States of Missouri and Illinois which are unfit for cultivation.

JOHN QUINCY ADAMS.

WASHINGTON, *February 2, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 25th ultimo, relative to the execution of the treaty of the 18th of October, 1820, of Doaks Stand with the Choctaw tribe of Indians, I transmit a report from the Secretary of War, with a statement from the Office of Indian Affairs, comprising so far as it is possessed the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 3, 1827.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the United States of the 9th ultimo, relating to the appointments of chargés d'affaires and to the commissions and salaries of the ministers and secretary to the mission to Panama, I transmit herewith a report from the Secretary of State, with accompanying documents.

JOHN QUINCY ADAMS.

WASHINGTON, *February 5, 1827.*

To the House of Representatives of the United States:

The report from the Secretary of War and accompanying documents herewith transmitted have been prepared in compliance with a resolution of the House of Representatives of the 20th of May last, requesting a statement of expenditure and other particulars relating to the procurement and properties of the patent rifle.

JOHN QUINCY ADAMS.

WASHINGTON, *February 5, 1827.*

To the Senate and House of Representatives of the United States:

I submit to the consideration of Congress a letter from the agent of the United States with the Creek Indians, who invoke the protection of the Government of the United States in defense of the rights and territory secured to that nation by the treaty concluded at Washington, and ratified on the part of the United States on the 22d of April last.

The complaint set forth in this letter that surveyors from Georgia have been employed in surveying lands within the Indian Territory, as secured by that treaty, is authenticated by the information inofficially received from other quarters, and there is reason to believe that one or more of the surveyors have been arrested in their progress by the Indians. Their forbearance, and reliance upon the good faith of the United States,

will, it is hoped, avert scenes of violence and blood which there is otherwise too much cause to apprehend will result from these proceedings.

By the fifth section of the act of Congress of the 30th of March, 1802, to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers, it is provided that if any citizen of or other person resident in the United States shall make a settlement on any lands belonging or secured or granted by treaty with the United States to any Indian tribe, or shall survey, or attempt to survey, such lands, or designate any of the boundaries by marking trees or otherwise, such offender shall forfeit a sum not exceeding $1,000 and suffer imprisonment not exceeding twelve months.

By the sixteenth and seventeenth sections of the same statute two distinct processes are prescribed, by either or both of which the above enactment may be carried into execution. By the first it is declared to be lawful for the military force of the United States to apprehend every person found in the Indian country over and beyond the boundary line between the United States and the Indian tribes in violation of any of the provisions or regulations of the act, and immediately to convey them, in the nearest convenient and safe route, to the civil authority of the United States in some of the three next adjoining States or districts, to be proceeded against in due course of law.

By the second it is directed that if any person charged with the violation of any of the provisions or regulations of the act shall be found within any of the United States or either of their territorial districts such offender may be there apprehended and brought to trial in the same manner as if such crime or offense had been committed within such State or district; and that it shall be the duty of the military force of the United States, when called upon by the civil magistrate or any proper officer or other person duly authorized for that purpose and having a lawful warrant, to aid and assist such magistrate, officer, or other person so authorized in arresting such offender and committing him to safe custody for trial according to law.

The first of these processes is adapted to the arrest of the trespasser upon Indian territories on the spot and in the act of committing the offense; but as it applies the action of the Government of the United States to places where the civil process of the law has no authorized course, it is committed entirely to the functions of the military force to arrest the person of the offender, and after bringing him within the reach of the jurisdiction of the courts there to deliver him into custody for trial. The second makes the violator of the law amenable only after his offense has been consummated, and when he has returned within the civil jurisdiction of the Union. This process, in the first instance, is merely of a civil character, but may in like manner be enforced by calling in, if necessary, the aid of the military force.

Entertaining no doubt that in the present case the resort to either of

these modes of process, or to both, was within the discretion of the Executive authority, and penetrated with the duty of maintaining the rights of the Indians as secured both by the treaty and the law, I concluded, after full deliberation, to have recourse on this occasion, in the first instance, only to the civil process. Instructions have accordingly been given by the Secretary of War to the attorney and marshal of the United States in the district of Georgia to commence prosecutions against the surveyors complained of as having violated the law, while orders have at the same time been forwarded to the agent of the United States at once to assure the Indians that their rights founded upon the treaty and the law are recognized by this Government and will be faithfully protected, and earnestly to exhort them, by the forbearance of every act of hostility on their part, to preserve unimpaired that right to protection secured to them by the sacred pledge of the good faith of this nation. Copies of these instructions and orders are herewith transmitted to Congress.

In abstaining at this stage of the proceedings from the application of any military force I have been governed by considerations which will, I trust, meet the concurrence of the Legislature. Among them one of paramount importance has been that these surveys have been attempted, and partly effected, under color of legal authority from the State of Georgia; that the surveyors are, therefore, not to be viewed in the light of individual and solitary transgressors, but as the agents of a sovereign State, acting in obedience to authority which they believed to be binding upon them. Intimations had been given that should they meet with interruption they would at all hazards be sustained by the military force of the State, in which event, if the military force of the Union should have been employed to enforce its violated law, a conflict *must* have ensued, which would itself have inflicted a wound upon the Union and have presented the aspect of one of these confederated States at war with the rest. Anxious, above all, to avert this state of things, yet at the same time impressed with the deepest conviction of my own duty to take care that the laws shall be executed and the faith of the nation preserved, I have used of the means intrusted to the Executive for that purpose only those which without resorting to military force may vindicate the sanctity of the law by the ordinary agency of the judicial tribunals.

It ought not, however, to be disguised that the act of the legislature of Georgia, under the construction given to it by the governor of that State, and the surveys made or attempted by his authority beyond the boundary secured by the treaty of Washington of April last to the Creek Indians, are in direct violation of the supreme law of this land, set forth in a treaty which has received all the sanctions provided by the Constitution which we have been sworn to support and maintain.

Happily distributed as the sovereign powers of the people of this Union have been between their General and State Governments, their history has already too often presented collisions between these divided authori-

ties with regard to the extent of their respective powers. No instance, however, has hitherto occurred in which this collision has been urged into a conflict of actual force. No other case is known to have happened in which the application of military force by the Government of the Union has been prescribed for the enforcement of a law the violation of which has within any single State been prescribed by a legislative act of the State. In the present instance it is my duty to say that if the legislative and executive authorities of the State of Georgia should persevere in acts of encroachment upon the territories secured by a solemn treaty to the Indians, and the laws of the Union remain unaltered, a superadded obligation even higher than that of human authority will compel the Executive of the United States to enforce the laws and fulfill the duties of the nation by all the force committed for that purpose to his charge. That the arm of military force will be resorted to only in the event of the failure of all other expedients provided by the laws, a pledge has been given by the forbearance to employ it at this time. It is submitted to the wisdom of Congress to determine whether any further act of legislation may be necessary or expedient to meet the emergency which these transactions may produce.

JOHN QUINCY ADAMS.

WASHINGTON, *February 8, 1827.*

To the Senate of the United States:

I transmit to the Senate, for their advice with regard to its ratification, a treaty between the United States and the Mexican Confederation, signed by the plenipotentiaries of the respective Governments on the 10th of July last. It will be seen by its terms that if ratified by both parties the ratifications are to be exchanged at this city on or before the 10th day of next month. The ratification on the part of the Government of Mexico has not yet been received, though it has probably before this been effected. To avoid all unnecessary delay the treaty is now communicated to the Senate, that it may receive all the deliberation which, in their wisdom, it may require, without pressing upon their time at a near approach to the close of their session. Should they advise and consent to its ratification, that measure will still be withheld until the ratification by the Mexican Government shall have been ascertained. A copy of the treaty is likewise transmitted, together with the documents appertaining to the negotiation.

JOHN QUINCY ADAMS.

WASHINGTON, *February 8, 1827.*

To the Senate and House of Representatives of the United States:

I communicate to Congress copies of a letter from the governor of the State of Georgia, received since my message of the 5th instant, and of inclosures received with it, further confirmative of the facts stated in that message.*

JOHN QUINCY ADAMS.

*Relating to the conflicting claims of Georgia and the Creek Indians to lands in Georgia.

WASHINGTON, *February 16, 1827.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of the Treasury, with statements prepared at the Register's and General Land Office, in compliance with a resolution of the Senate of the 10th of May last, in relation to the purchase and sales of the public lands since the declaration of independence.

JOHN QUINCY ADAMS.

WASHINGTON, *February 19, 1827.*

To the Senate and House of Representatives of the United States:

I transmit to both Houses of Congress copies of the following treaties, which have been ratified by and with the consent of the Senate:

1. A treaty with the Chippewa tribe of Indians, signed at the Fond du Lac of Lake Superior on the 5th of August, 1826.

2. A treaty with the Potawatamie tribe of Indians, signed on the 16th of October, 1826, near the mouth of the Mississinawa, upon the Wabash, in the State of Indiana.

3. A treaty with the Miami tribe of Indians, signed at the same place on the 23d of October, 1826.

JOHN QUINCY ADAMS.

WASHINGTON, *February 24, 1827.*

To the Senate of the United States:

I transmit to the Senate, for their consideration, a conveyance by treaty from the Seneca tribe of Indians to Robert Troup, Thomas L. Ogden, and Benjamin W. Rogers, in the presence of Oliver Forward, commissioner of the United States for holding the said treaty, and of Nathaniel Gorham, superintendent in behalf of the State of Massachusetts. A letter from the grantees of this conveyance and a report of the Superintendent of Indian Affairs to the Secretary of War, relating to this instrument, are also transmitted; and with regard to the approval or ratification of the treaty itself, it is submitted to the Senate for their advice and consent.

JOHN QUINCY ADAMS.

WASHINGTON, *February 28, 1827.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of War, with sundry documents, containing statements requested by a resolution of the House of Representatives of the 9th of January, relating to the Artillery School of Practice at Fortress Monroe.

JOHN QUINCY ADAMS.

WASHINGTON, *March 2, 1827.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of the Treasury, with sundry documents, containing the information requested by a resolution of the Senate of the 20th of April last, relating to the security taken of the late surveyor-general of Illinois, Missouri, and Arkansas, and of the late receiver of public moneys in the western district of Missouri, and to the sums for which they were respectively defaulters; also the sums due by each of the late directors of the Bank of Missouri to the United States, and to the measures taken for obtaining or enforcing payment of the same.

JOHN QUINCY ADAMS.

WASHINGTON, *March 2, 1827.*

To the Senate and House of Representatives of the United States:

I transmit to both Houses of Congress copies of communications received yesterday by the Secretary of War from the governor of Georgia and from Lieutenant Vinton.*

JOHN QUINCY ADAMS.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas by the sixth section of an act of Congress entitled "An act to regulate the commercial intercourse between the United States and certain British colonial ports," which was approved on the 1st day of March, A. D. 1823, it is enacted "that this act, unless repealed, altered, or amended by Congress, shall be and continue in force so long as the above-enumerated British colonial ports shall be open to the admission of the vessels of the United States, conformably to the provisions of the British act of Parliament of the 24th of June last, being the forty-fourth chapter of the acts of the third year of George IV; but if at any time the trade and intercourse between the United States and all or any of the above-enumerated British colonial ports authorized by the said act of Parliament should be prohibited by a British order in council or by act of Parliament, then, from the day of the date of such order in council or act of Parliament, or from the time that the same shall commence to be in force, proclamation to that effect having been made by the President of the United States, each and every provision of this act, so far as the

*Relating to the conflicting claims of Georgia and the Creek Indians to lands in Georgia.

same shall apply to the intercourse between the United States and the above-enumerated British colonial ports in British vessels, shall cease to operate in their favor, and each and every provision of the 'Act concerning navigation,' approved on the 18th of April, 1818, and of the act supplementary thereto, approved on the 15th of May, 1820, shall revive and be in full force;" and

Whereas by an act of the British Parliament which passed on the 5th day of July, A. D. 1825, entitled "An act to repeal the several laws relating to the customs," the said act of Parliament of the 24th of June, 1822, was repealed; and by another act of the British Parliament, passed on the 5th day of July, A. D. 1825, in the sixth year of the reign of George IV, entitled "An act to regulate the trade of the British possessions abroad;" and by an order of His Britannic Majesty in council, bearing date the 27th of July, 1826, the trade and intercourse authorized by the aforesaid act of Parliament of the 24th of June, 1822, between the United States and the greater part of the said British colonial ports therein enumerated, have been prohibited upon and from the 1st day of December last past, and the contingency has thereby arisen on which the President of the United States was authorized by the sixth section aforesaid of the act of Congress of the 1st March, 1823, to issue a proclamation to the effect therein mentioned:

Now, therefore, I, John Quincy Adams, President of the United States of America, do hereby declare and proclaim that the trade and intercourse authorized by the said act of Parliament of the 24th of June, 1822, between the United States and the British colonial ports enumerated in the aforesaid act of Congress of the 1st of March, 1823, have been and are, upon and from the 1st day of December, 1826, by the aforesaid two several acts of Parliament of the 5th of July, 1825, and by the aforesaid British order in council of the 27th day of July, 1826, prohibited.

Given under my hand, at the city of Washington, this 17th day of March, A. D. 1827, and the fifty-first year of the Independence of the United States.

JOHN QUINCY ADAMS.

By the President:

H. CLAY,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 7th of January, 1824, entitled "An act concerning discriminating duties of tonnage and impost," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are

imposed or levied within the ports of the said nation upon vessels wholly belonging to citizens of the United States or upon merchandise the produce or manufacture thereof imported in the same, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the said nation and the merchandise of its produce or manufacture imported into the United States in the same, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and merchandise as aforesaid therein laden shall be continued, and no longer; and

Whereas satisfactory evidence was given to the President of the United States on the 30th day of May last by Count Lucchesi, consul-general of His Holiness the Pope, that all foreign and discriminating duties of tonnage and impost within the dominions of His Holiness, so far as respected the vessels of the United States and the merchandise of their produce or manufacture imported in the same, were suspended and discontinued:

Now, therefore, I, John Quincy Adams, President of the United States, conformably to the fourth section of the act of Congress aforesaid, do hereby proclaim and declare that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the subjects of His Holiness the Pope and the merchandise of the produce or manufacture of his dominions imported into the United States in the same, the said suspension to take effect from the 30th of May aforesaid and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and merchandise as aforesaid therein laden shall be continued, and no longer.

Given under my hand, at the city of Washington, this 7th day of June, A. D. 1827, and of the Independence of the United States the fifty-first.

JOHN QUINCY ADAMS.

By the President:

H. CLAY,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas Willis Anderson, of the County of Alexandria, in the District of Columbia, is charged with having recently murdered Gerrard Arnold, late of the said county; and

Whereas it is represented to me that the said Willis Anderson has

absconded and secretes himself, so that he can not be apprehended and brought to justice for the offense of which he is so charged; and

Whereas the apprehension and trial of the said Willis Anderson is an example due to justice and humanity, and would be every way salutary in its influence:

Now, therefore, I have thought fit to issue this my proclamation, hereby exhorting the citizens of the United States, and particularly those of this District, and requiring all officers, according to their respective stations, to use their utmost endeavors to apprehend and bring the said Willis Anderson to justice for the atrocious crime with which he stands charged as aforesaid; and I do moreover offer a reward of $250 for the apprehension of the said Willis Anderson and his delivery to an officer or officers of justice in the county aforesaid, so that he may be brought to trial for the murder aforesaid and be otherwise dealt with according to law.

In testimony whereof I have hereunto signed my name and caused the seal of the United States to be affixed to these presents.

[SEAL.] Done at Washington, this 10th day of September, A. D. 1827, and of the Independence of the United States the fifty-second.

J. Q. ADAMS.

By the President:

H. CLAY,

Secretary of State.

THIRD ANNUAL MESSAGE.

WASHINGTON, *December 4, 1827.*

Fellow-Citizens of the Senate and of the House of Representatives:

A revolution of the seasons has nearly been completed since the representatives of the people and States of this Union were last assembled at this place to deliberate and to act upon the common important interests of their constituents. In that interval the never-slumbering eye of a wise and beneficent Providence has continued its guardian care over the welfare of our beloved country; the blessing of health has continued generally to prevail throughout the land; the blessing of peace with our brethren of the human race has been enjoyed without interruption; internal quiet has left our fellow-citizens in the full enjoyment of all their rights and in the free exercise of all their faculties, to pursue the impulse of their nature and the obligation of their duty in the improvement of their own condition; the productions of the soil, the exchanges of commerce, the vivifying labors of human industry, have combined to mingle in our cup a portion of enjoyment as large and liberal as the indulgence of Heaven has perhaps ever granted to the imperfect state of man upon

earth; and as the purest of human felicity consists in its participation with others, it is no small addition to the sum of our national happiness at this time that peace and prosperity prevail to a degree seldom experienced over the whole habitable globe, presenting, though as yet with painful exceptions, a foretaste of that blessed period of promise when the lion shall lie down with the lamb and wars shall be no more. To preserve, to improve, and to perpetuate the sources and to direct in their most effective channels the streams which contribute to the public weal is the purpose for which Government was instituted. Objects of deep importance to the welfare of the Union are constantly recurring to demand the attention of the Federal Legislature, and they call with accumulated interest at the first meeting of the two Houses after their periodical renovation. To present to their consideration from time to time subjects in which the interests of the nation are most deeply involved, and for the regulation of which the legislative will is alone competent, is a duty prescribed by the Constitution, to the performance of which the first meeting of the new Congress is a period eminently appropriate, and which it is now my purpose to discharge.

Our relations of friendship with the other nations of the earth, political and commercial, have been preserved unimpaired, and the opportunities to improve them have been cultivated with anxious and unremitting attention. A negotiation upon subjects of high and delicate interest with the Government of Great Britain has terminated in the adjustment of some of the questions at issue upon satisfactory terms and the postponement of others for future discussion and agreement. The purposes of the convention concluded at St. Petersburg on the 12th day of July, 1822, under the mediation of the late Emperor Alexander, have been carried into effect by a subsequent convention, concluded at London on the 13th of November, 1826, the ratifications of which were exchanged at that place on the 6th day of February last. A copy of the proclamation issued on the 19th day of March last, publishing this convention, is herewith communicated to Congress. The sum of $1,204,960, therein stipulated to be paid to the claimants of indemnity under the first article of the treaty of Ghent, has been duly received, and the commission instituted, conformably to the act of Congress of the 2d of March last, for the distribution of the indemnity to the persons entitled to receive it are now in session and approaching the consummation of their labors. This final disposal of one of the most painful topics of collision between the United States and Great Britain not only affords an occasion of gratulation to ourselves, but has had the happiest effect in promoting a friendly disposition and in softening asperities upon other objects of discussion; nor ought it to pass without the tribute of a frank and cordial acknowledgment of the magnanimity with which an honorable nation, by the reparation of their own wrongs, achieves a triumph more glorious than any field of blood can ever bestow.

The conventions of 3d July, 1815, and of 20th October, 1818, will expire by their own limitation on the 20th of October, 1828. These have regulated the direct commercial intercourse between the United States and Great Britain upon terms of the most perfect reciprocity; and they effected a temporary compromise of the respective rights and claims to territory westward of the Rocky Mountains. These arrangements have been continued for an indefinite period of time after the expiration of the above-mentioned conventions, leaving each party the liberty of terminating them by giving twelve months' notice to the other. The radical principle of all commercial intercourse between independent nations is the mutual interest of both parties. It is the vital spirit of trade itself; nor can it be reconciled to the nature of man or to the primary laws of human society that any traffic should long be willingly pursued of which all the advantages are on one side and all the burdens on the other. Treaties of commerce have been found by experience to be among the most effective instruments for promoting peace and harmony between nations whose interests, exclusively considered on either side, are brought into frequent collisions by competition. In framing such treaties it is the duty of each party not simply to urge with unyielding pertinacity that which suits its own interest, but to concede liberally to that which is adapted to the interest of the other. To accomplish this, little more is generally required than a simple observance of the rule of reciprocity, and were it possible for the statesmen of one nation by stratagem and management to obtain from the weakness or ignorance of another an overreaching treaty, such a compact would prove an incentive to war rather than a bond of peace. Our conventions with Great Britain are founded upon the principles of reciprocity. The commercial intercourse between the two countries is greater in magnitude and amount than between any two other nations on the globe. It is for all purposes of benefit or advantage to both as precious, and in all probability far more extensive, than if the parties were still constituent parts of one and the same nation. Treaties between such States, regulating the intercourse of peace between them and adjusting interests of such transcendent importance to both, which have been found in a long experience of years mutually advantageous, should not be lightly canceled or discontinued. Two conventions for continuing in force those above mentioned have been concluded between the plenipotentiaries of the two Governments on the 6th of August last, and will be forthwith laid before the Senate for the exercise of their constitutional authority concerning them.

In the execution of the treaties of peace of November, 1782, and September, 1783, between the United States and Great Britain, and which terminated the war of our independence, a line of boundary was drawn as the demarcation of territory between the two countries, extending over near 20 degrees of latitude, and ranging over seas, lakes, and mountains, then very imperfectly explored and scarcely opened to the geo-

graphical knowledge of the age. In the progress of discovery and settlement by both parties since that time several questions of boundary between their respective territories have arisen, which have been found of exceedingly difficult adjustment. At the close of the last war with Great Britain four of these questions pressed themselves upon the consideration of the negotiators of the treaty of Ghent, but without the means of concluding a definitive arrangement concerning them. They were referred to three separate commissions consisting of two commissioners, one appointed by each party, to examine and decide upon their respective claims. In the event of a disagreement between the commissioners it was provided that they should make reports to their several Governments, and that the reports should finally be referred to the decision of a sovereign the common friend of both. Of these commissions two have already terminated their sessions and investigations, one by entire and the other by partial agreement. The commissioners of the fifth article of the treaty of Ghent have finally disagreed, and made their conflicting reports to their own Governments. But from these reports a great difficulty has occurred in making up a question to be decided by the arbitrator. This purpose has, however, been effected by a fourth convention, concluded at London by the plenipotentiaries of the two Governments on the 29th of September last. It will be submitted, together with the others, to the consideration of the Senate.

While these questions have been pending incidents have occurred of conflicting pretensions and of dangerous character upon the territory itself in dispute between the two nations. By a common understanding between the Governments it was agreed that no exercise of exclusive jurisdiction by either party while the negotiation was pending should change the state of the question of right to be definitively settled. Such collision has, nevertheless, recently taken place by occurrences the precise character of which has not yet been ascertained. A communication from the governor of the State of Maine, with accompanying documents, and a correspondence between the Secretary of State and the minister of Great Britain on this subject are now communicated. Measures have been taken to ascertain the state of the facts more correctly by the employment of a special agent to visit the spot where the alleged outrages have occurred, the result of whose inquiries, when received, will be transmitted to Congress.

While so many of the subjects of high interest to the friendly relations between the two countries have been so far adjusted, it is matter of regret that their views respecting the commercial intercourse between the United States and the British colonial possessions have not equally approximated to a friendly agreement.

At the commencement of the last session of Congress they were informed of the sudden and unexpected exclusion by the British Government of access in vessels of the United States to all their colonial ports,

except those immediately bordering upon our own territories. In the amicable discussions which have succeeded the adoption of this measure, which, as it affected harshly the interests of the United States, became a subject of expostulation on our part, the principles upon which its justification has been placed have been of a diversified character. It has been at once ascribed to a mere recurrence to the old, long-established principle of colonial monopoly and at the same time to a feeling of resentment because the offers of an act of Parliament opening the colonial ports upon certain conditions had not been grasped at with sufficient eagerness by an instantaneous conformity to them. At a subsequent period it has been intimated that the new exclusion was in resentment because a prior act of Parliament, of 1822, opening certain colonial ports, under heavy and burdensome restrictions, to vessels of the United States, had not been reciprocated by an admission of British vessels from the colonies, and their cargoes, without any restriction or discrimination whatever. But be the motive for the interdiction what it may, the British Government have manifested no disposition, either by negotiation or by corresponding legislative enactments, to recede from it, and we have been given distinctly to understand that neither of the bills which were under the consideration of Congress at their last session would have been deemed sufficient in their concessions to have been rewarded by any relaxation from the British interdict. It is one of the inconveniences inseparably connected with the attempt to adjust by reciprocal legislation interests of this nature that neither party can know what would be satisfactory to the other, and that after enacting a statute for the avowed and sincere purpose of conciliation it will generally be found utterly inadequate to the expectations of the other party, and will terminate in mutual disappointment.

The session of Congress having terminated without any act upon the subject, a proclamation was issued on the 17th of March last, conformably to the provisions of the sixth section of the act of 1st March, 1823, declaring the fact that the trade and intercourse authorized by the British act of Parliament of 24th June, 1822, between the United States and the British enumerated colonial ports had been by the subsequent acts of Parliament of 5th July, 1825, and the order of council of 27th July, 1826, prohibited. The effect of this proclamation, by the terms of the act under which it was issued, has been that each and every provision of the act concerning navigation of 18th April, 1818, and of the act supplementary thereto of 15th May, 1820, revived and is in full force. Such, then, is the present condition of the trade that, useful as it is to both parties, it can, with a single momentary exception, be carried on directly by the vessels of neither. That exception itself is found in a proclamation of the governor of the island of St. Christopher and of the Virgin Islands, inviting for three months from the 28th of August last the importation of the articles of the produce of the United States which constitute their export portion of this trade in the vessels of all nations. That period

having already expired, the state of mutual interdiction has again taken place. The British Government have not only declined negotiation upon this subject, but by the principle they have assumed with reference to it have precluded even the means of negotiation. It becomes not the self-respect of the United States either to solicit gratuitous favors or to accept as the grant of a favor that for which an ample equivalent is exacted. It remains to be determined by the respective Governments whether the trade shall be opened by acts of reciprocal legislation. It is, in the meantime, satisfactory to know that apart from the inconveniences resulting from a disturbance of the usual channels of trade no loss has been sustained by the commerce, the navigation, or the revenue of the United States, and none of magnitude is to be apprehended from this existing state of mutual interdict.

With the other maritime and commercial nations of Europe our intercourse continues with little variation. Since the cessation by the convention of 24th June, 1822, of all discriminating duties upon the vessels of the United States and of France in either country our trade with that nation has increased and is increasing. A disposition on the part of France has been manifested to renew that negotiation, and in acceding to the proposal we have expressed the wish that it might be extended to other subjects upon which a good understanding between the parties would be beneficial to the interests of both. The origin of the political relations between the United States and France is coeval with the first years of our independence. The memory of it is interwoven with that of our arduous struggle for national existence. Weakened as it has occasionally been since that time, it can by us never be forgotten, and we should hail with exultation the moment which should indicate a recollection equally friendly in spirit on the part of France. A fresh effort has recently been made by the minister of the United States residing at Paris to obtain a consideration of the just claims of citizens of the United States to the reparation of wrongs long since committed, many of them frankly acknowledged and all of them entitled upon every principle of justice to a candid examination. The proposal last made to the French Government has been to refer the subject which has formed an obstacle to this consideration to the determination of a sovereign the common friend of both. To this offer no definitive answer has yet been received, but the gallant and honorable spirit which has at all times been the pride and glory of France will not ultimately permit the demands of innocent sufferers to be extinguished in the mere consciousness of the power to reject them.

A new treaty of amity, navigation, and commerce has been concluded with the Kingdom of Sweden, which will be submitted to the Senate for their advice with regard to its ratification. At a more recent date a minister plenipotentiary from the Hanseatic Republics of Hamburg, Lubeck, and Bremen has been received, charged with a special mission for the

negotiation of a treaty of amity and commerce between that ancient and renowned league and the United States. This negotiation has accordingly been commenced, and is now in progress, the result of which will, if successful, be also submitted to the Senate for their consideration.

Since the accession of the Emperor Nicholas to the imperial throne of all the Russias the friendly dispositions toward the United States so constantly manifested by his predecessor have continued unabated, and have been recently testified by the appointment of a minister plenipotentiary to reside at this place. From the interest taken by this Sovereign in behalf of the suffering Greeks and from the spirit with which others of the great European powers are cooperating with him the friends of freedom and of humanity may indulge the hope that they will obtain relief from that most unequal of conflicts which they have so long and so gallantly sustained; that they will enjoy the blessing of self-government, which by their sufferings in the cause of liberty they have richly earned, and that their independence will be secured by those liberal institutions of which their country furnished the earliest examples in the history of mankind, and which have consecrated to immortal remembrance the very soil for which they are now again profusely pouring forth their blood. The sympathies which the people and Government of the United States have so warmly indulged with their cause have been acknowledged by their Government in a letter of thanks, which I have received from their illustrious President, a translation of which is now communicated to Congress, the representatives of that nation to whom this tribute of gratitude was intended to be paid, and to whom it was justly due.

In the American hemisphere the cause of freedom and independence has continued to prevail, and if signalized by none of those splendid triumphs which had crowned with glory some of the preceding years it has only been from the banishment of all external force against which the struggle had been maintained. The shout of victory has been superseded by the expulsion of the enemy over whom it could have been achieved. Our friendly wishes and cordial good will, which have constantly followed the southern nations of America in all the vicissitudes of their war of independence, are succeeded by a solicitude equally ardent and cordial that by the wisdom and purity of their institutions they may secure to themselves the choicest blessings of social order and the best rewards of virtuous liberty. Disclaiming alike all right and all intention of interfering in those concerns which it is the prerogative of their independence to regulate as to them shall seem fit, we hail with joy every indication of their prosperity, of their harmony, of their persevering and inflexible homage to those principles of freedom and of equal rights which are alone suited to the genius and temper of the American nations. It has been, therefore, with some concern that we have observed indications of intestine divisions in some of the Republics of the south, and appearances of less union with one another than we believe

to be the interest of all. Among the results of this state of things has been that the treaties concluded at Panama do not appear to have been ratified by the contracting parties, and that the meeting of the congress at Tacubaya has been indefinitely postponed. In accepting the invitations to be represented at this congress, while a manifestation was intended on the part of the United States of the most friendly disposition toward the southern Republics by whom it had been proposed, it was hoped that it would furnish an opportunity for bringing all the nations of this hemisphere to the common acknowledgment and adoption of the principles in the regulation of their internal relations which would have secured a lasting peace and harmony between them and have promoted the cause of mutual benevolence throughout the globe. But as obstacles appear to have arisen to the reassembling of the congress, one of the two ministers commissioned on the part of the United States has returned to the bosom of his country, while the minister charged with the ordinary mission to Mexico remains authorized to attend at the conferences of the congress whenever they may be resumed.

A hope was for a short time entertained that a treaty of peace actually signed between the Governments of Buenos Ayres and of Brazil would supersede all further occasion for those collisions between belligerent pretensions and neutral rights which are so commonly the result of maritime war, and which have unfortunately disturbed the harmony of the relations between the United States and the Brazilian Governments. At their last session Congress were informed that some of the naval officers of that Empire had advanced and practiced upon principles in relation to blockades and to neutral navigation which we could not sanction, and which our commanders found it necessary to resist. It appears that they have not been sustained by the Government of Brazil itself. Some of the vessels captured under the assumed authority of these erroneous principles have been restored, and we trust that our just expectations will be realized that adequate indemnity will be made to all the citizens of the United States who have suffered by the unwarranted captures which the Brazilian tribunals themselves have pronounced unlawful.

In the diplomatic discussions at Rio de Janeiro of these wrongs sustained by citizens of the United States and of others which seemed as if emanating immediately from that Government itself the chargé d'affaires of the United States, under an impression that his representations in behalf of the rights and interests of his countrymen were totally disregarded and useless, deemed it his duty, without waiting for instructions, to terminate his official functions, to demand his passports, and return to the United States. This movement, dictated by an honest zeal for the honor and interests of his country—motives which operated exclusively on the mind of the officer who resorted to it—has not been disapproved by me. The Brazilian Government, however, complained of it as a measure for which no adequate intentional cause had been given by them, and upon

an explicit assurance through their chargé d'affaires residing here that a successor to the late representative of the United States near that Government, the appointment of whom they desired, should be received and treated with the respect due to his character, and that indemnity should be promptly made for all injuries inflicted on citizens of the United States or their property contrary to the laws of nations, a temporary commission as chargé d'affaires to that country has been issued, which it is hoped will entirely restore the ordinary diplomatic intercourse between the two Governments and the friendly relations between their respective nations.

Turning from the momentous concerns of our Union in its intercourse with foreign nations to those of the deepest interest in the administration of our internal affairs, we find the revenues of the present year corresponding as nearly as might be expected with the anticipations of the last, and presenting an aspect still more favorable in the promise of the next. The balance in the Treasury on January 1 last was $6,358,686.18. The receipts from that day to the 30th of September last, as near as the returns of them yet received can show, amount to $16,886,581.32. The receipts of the present quarter, estimated at $4,515,000, added to the above form an aggregate of $21,400,000 of receipts. The expenditures of the year may perhaps amount to $22,300,000, presenting a small excess over the receipts. But of these twenty-two millions, upward of six have been applied to the discharge of the principal of the public debt, the whole amount of which, approaching seventy-four millions on the 1st of January last, will on the first day of the next year fall short of sixty-seven millions and a half. The balance in the Treasury on the 1st of January next it is expected will exceed $5,450,000, a sum exceeding that of the 1st of January, 1825, though falling short of that exhibited on the 1st of January last.

It was foreseen that the revenue of the present year would not equal that of the last, which had itself been less than that of the next preceding year. But the hope has been realized which was entertained, that these deficiencies would in nowise interrupt the steady operation of the discharge of the public debt by the annual ten millions devoted to that object by the act of 3d March, 1817.

The amount of duties secured on merchandise imported from the commencement of the year until the 30th of September last is $21,226,000, and the probable amount of that which will be secured during the remainder of the year is $5,774,000, forming a sum total of $27,000,000. With the allowances for drawbacks and contingent deficiencies which may occur, though not specifically foreseen, we may safely estimate the receipts of the ensuing year at $22,300,000—a revenue for the next equal to the expenditure of the present year.

The deep solicitude felt by our citizens of all classes throughout the Union for the total discharge of the public debt will apologize for the earnestness with which I deem it my duty to urge this topic upon the con-

sideration of Congress—of recommending to them again the observance of the strictest economy in the application of the public funds. The depression upon the receipts of the revenue which had commenced with the year 1826 continued with increased severity during the two first quarters of the present year. The returning tide began to flow with the third quarter, and, so far as we can judge from experience, may be expected to continue through the course of the ensuing year. In the meantime an alleviation from the burden of the public debt will in the three years have been effected to the amount of nearly sixteen millions, and the charge of annual interest will have been reduced upward of one million. But among the maxims of political economy which the stewards of the public moneys should never suffer without urgent necessity to be transcended is that of keeping the expenditures of the year within the limits of its receipts. The appropriations of the two last years, including the yearly ten millions of the sinking fund, have each equaled the promised revenue of the ensuing year. While we foresee with confidence that the public coffers will be replenished from the receipts as fast as they will be drained by the expenditures, equal in amount to those of the current year, it should not be forgotten that they could ill suffer the exhaustion of larger disbursements.

The condition of the Army and of all the branches of the public service under the superintendence of the Secretary of War will be seen by the report from that officer and the documents with which it is accompanied.

During the last summer a detachment of the Army has been usefully and successfully called to perform their appropriate duties. At the moment when the commissioners appointed for carrying into execution certain provisions of the treaty of August 19, 1825, with various tribes of the Northwestern Indians were about to arrive at the appointed place of meeting the unprovoked murder of several citizens and other acts of unequivocal hostility committed by a party of the Winnebago tribe, one of those associated in the treaty, followed by indications of a menacing character among other tribes of the same region, rendered necessary an immediate display of the defensive and protective force of the Union in that quarter. It was accordingly exhibited by the immediate and concerted movements of the governors of the State of Illinois and of the Territory of Michigan, and competent levies of militia, under their authority, with a corps of 700 men of United States troops, under the command of General Atkinson, who, at the call of Governor Cass, immediately repaired to the scene of danger from their station at St. Louis. Their presence dispelled the alarms of our fellow-citizens on those borders, and overawed the hostile purposes of the Indians. The perpetrators of the murders were surrendered to the authority and operation of our laws, and every appearance of purposed hostility from those Indian tribes has subsided.

Although the present organization of the Army and the administration of its various branches of service are, upon the whole, satisfactory, they are yet susceptible of much improvement in particulars, some of which have been heretofore submitted to the consideration of Congress, and others are now first presented in the report of the Secretary of War.

The expediency of providing for additional numbers of officers in the two corps of engineers will in some degree depend upon the number and extent of the objects of national importance upon which Congress may think it proper that surveys should be made conformably to the act of the 30th of April, 1824. Of the surveys which before the last session of Congress had been made under the authority of that act, reports were made—

1. Of the Board of Internal Improvement, on the Chesapeake and Ohio Canal.

2. On the continuation of the national road from Cumberland to the tide waters within the District of Columbia.

3. On the continuation of the national road from Canton to Zanesville.

4. On the location of the national road from Zanesville to Columbus.

5. On the continuation of the same to the seat of government in Missouri.

6. On a post-road from Baltimore to Philadelphia.

7. Of a survey of Kennebec River (in part).

8. On a national road from Washington to Buffalo.

9. On the survey of Saugatuck Harbor and River.

10. On a canal from Lake Pontchartrain to the Mississippi River.

11. On surveys at Edgartown, Newburyport, and Hyannis Harbor.

12. On survey of La Plaisance Bay, in the Territory of Michigan.

And reports are now prepared and will be submitted to Congress—

On surveys of the peninsula of Florida, to ascertain the practicability of a canal to connect the waters of the Atlantic with the Gulf of Mexico across that peninsula; and also of the country between the bays of Mobile and of Pensacola, with the view of connecting them together by a canal.

On surveys of a route for a canal to connect the waters of James and Great Kenhawa rivers.

On the survey of the Swash, in Pamlico Sound, and that of Cape Fear, below the town of Wilmington, in North Carolina.

On the survey of the Muscle Shoals, in the Tennessee River, and for a route for a contemplated communication between the Hiwassee and Coosa rivers, in the State of Alabama.

Other reports of surveys upon objects pointed out by the several acts of Congress of the last and preceding sessions are in the progress of preparation, and most of them may be completed before the close of this session. All the officers of both corps of engineers, with several other persons duly qualified, have been constantly employed upon these services from

the passage of the act of 30th April, 1824, to this time. Were no other advantage to accrue to the country from their labors than the fund of topographical knowledge which they have collected and communicated, that alone would have been a profit to the Union more than adequate to all the expenditures which have been devoted to the object; but the appropriations for the repair and continuation of the Cumberland road, for the construction of various other roads, for the removal of obstructions from the rivers and harbors, for the erection of light-houses, beacons, piers, and buoys, and for the completion of canals undertaken by individual associations, but needing the assistance of means and resources more comprehensive than individual enterprise can command, may be considered rather as treasures laid up from the contributions of the present age for the benefit of posterity than as unrequited applications of the accruing revenues of the nation. To such objects of permanent improvement to the condition of the country, of real addition to the wealth as well as to the comfort of the people by whose authority and resources they have been effected, from three to four millions of the annual income of the nation have, by laws enacted at the three most recent sessions of Congress, been applied, without intrenching upon the necessities of the Treasury, without adding a dollar to the taxes or debts of the community, without suspending even the steady and regular discharge of the debts contracted in former days, which within the same three years have been diminished by the amount of nearly $16,000,000.

The same observations are in a great degree applicable to the appropriations made for fortifications upon the coasts and harbors of the United States, for the maintenance of the Military Academy at West Point, and for the various objects under the superintendence of the Department of the Navy. The report from the Secretary of the Navy and those from the subordinate branches of both the military departments exhibit to Congress in minute detail the present condition of the public establishments dependent upon them, the execution of the acts of Congress relating to them, and the views of the officers engaged in the several branches of the service concerning the improvements which may tend to their perfection. The fortification of the coasts and the gradual increase and improvement of the Navy are parts of a great system of national defense which has been upward of ten years in progress, and which for a series of years to come will continue to claim the constant and persevering protection and superintendence of the legislative authority. Among the measures which have emanated from these principles the act of the last session of Congress for the gradual improvement of the Navy holds a conspicuous place. The collection of timber for the future construction of vessels of war, the preservation and reproduction of the species of timber peculiarly adapted to that purpose, the construction of dry docks for the use of the Navy, the erection of a marine railway for the repair of the public ships, and the improvement of the navy-yards for the preservation of

the public property deposited in them have all received from the Executive the attention required by that act, and will continue to receive it, steadily proceeding toward the execution of all its purposes. The establishment of a naval academy, furnishing the means of theoretic instruction to the youths who devote their lives to the service of their country upon the ocean, still solicits the sanction of the Legislature. Practical seamanship and the art of navigation may be acquired on the cruises of the squadrons which from time to time are dispatched to distant seas, but a competent knowledge even of the art of shipbuilding, the higher mathematics, and astronomy; the literature which can place our officers on a level of polished education with the officers of other maritime nations; the knowledge of the laws, municipal and national, which in their intercourse with foreign states and their governments are continually called into operation, and, above all, that acquaintance with the principles of honor and justice, with the higher obligations of morals and of general laws, human and divine, which constitutes the great distinction between the warrior-patriot and the licensed robber and pirate—these can be systematically taught and eminently acquired only in a permanent school, stationed upon the shore and provided with the teachers, the instruments, and the books conversant with and adapted to the communication of the principles of these respective sciences to the youthful and inquiring mind.

The report from the Postmaster-General exhibits the condition of that Department as highly satisfactory for the present and still more promising for the future. Its receipts for the year ending the 1st of July last amounted to $1,473,551, and exceeded its expenditures by upward of $100,000. It can not be an oversanguine estimate to predict that in less than ten years, of which one-half have elapsed, the receipts will have been more than doubled. In the meantime a reduced expenditure upon established routes has kept pace with increased facilities of public accommodation and additional services have been obtained at reduced rates of compensation. Within the last year the transportation of the mail in stages has been greatly augmented. The number of post-offices has been increased to 7,000, and it may be anticipated that while the facilities of intercourse between fellow-citizens in person or by correspondence will soon be carried to the door of every villager in the Union, a yearly surplus of revenue will accrue which may be applied as the wisdom of Congress under the exercise of their constitutional powers may devise for the further establishment and improvement of the public roads, or by adding still further to the facilities in the transportation of the mails. Of the indications of the prosperous condition of our country, none can be more pleasing than those presented by the multiplying relations of personal and intimate intercourse between the citizens of the Union dwelling at the remotest distances from each other.

Among the subjects which have heretofore occupied the earnest solic-

itude and attention of Congress is the management and disposal of that portion of the property of the nation which consists of the public lands. The acquisition of them, made at the expense of the whole Union, not only in treasure but in blood, marks a right of property in them equally extensive. By the report and statements from the General Land Office now communicated it appears that under the present Government of the United States a sum little short of $33,000,000 has been paid from the common Treasury for that portion of this property which has been purchased from France and Spain, and for the extinction of the aboriginal titles. The amount of lands acquired is near 260,000,000 acres, of which on the 1st of January, 1826, about 139,000,000 acres had been surveyed, and little more than 19,000,000 acres had been sold. The amount paid into the Treasury by the purchasers of the public lands sold is not yet equal to the sums paid for the whole, but leaves a small balance to be refunded. The proceeds of the sales of the lands have long been pledged to the creditors of the nation, a pledge from which we have reason to hope that they will in a very few years be redeemed.

The system upon which this great national interest has been managed was the result of long, anxious, and persevering deliberation. Matured and modified by the progress of our population and the lessons of experience, it has been hitherto eminently successful. More than nine-tenths of the lands still remain the common property of the Union, the appropriation and disposal of which are sacred trusts in the hands of Congress. Of the lands sold, a considerable part were conveyed under extended credits, which in the vicissitudes and fluctuations in the value of lands and of their produce became oppressively burdensome to the purchasers. It can never be the interest or the policy of the nation to wring from its own citizens the reasonable profits of their industry and enterprise by holding them to the rigorous import of disastrous engagements. In March, 1821, a debt of $22,000,000, due by purchasers of the public lands, had accumulated, which they were unable to pay. An act of Congress of the 2d March, 1821, came to their relief, and has been succeeded by others, the latest being the act of the 4th of May, 1826, the indulgent provisions of which expired on the 4th July last. The effect of these laws has been to reduce the debt from the purchasers to a remaining balance of about $4,300,000 due, more than three-fifths of which are for lands within the State of Alabama. I recommend to Congress the revival and continuance for a further term of the beneficent accommodations to the public debtors of that statute, and submit to their consideration, in the same spirit of equity, the remission, under proper discriminations, of the forfeitures of partial payments on account of purchases of the public lands, so far as to allow of their application to other payments.

There are various other subjects of deep interest to the whole Union which have heretofore been recommended to the consideration of Congress, as well by my predecessors as, under the impression of the duties

devolving upon me, by myself. Among these are the debt, rather of justice than gratitude, to the surviving warriors of the Revolutionary war; the extension of the judicial administration of the Federal Government to those extensive and important members of the Union which, having risen into existence since the organization of the present judiciary establishment, now constitute at least one-third of its territory, power, and population; the formation of a more effective and uniform system for the government of the militia, and the amelioration in some form or modification of the diversified and often oppressive codes relating to insolvency. Amidst the multiplicity of topics of great national concernment which may recommend themselves to the calm and patriotic deliberations of the Legislature, it may suffice to say that on these and all other measures which may receive their sanction my hearty cooperation will be given, conformably to the duties enjoined upon me and under the sense of all the obligations prescribed by the Constitution.

JOHN QUINCY ADAMS.

SPECIAL MESSAGES.

WASHINGTON, *December 6, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 19th of February last, requesting a statement of all the expenses annually incurred in carrying into effect the act of March 2, 1819, for prohibiting the slave trade, including the cost of keeping the ships of war on the coast of Africa and all the incidental expenses growing out of the operation of that act, I transmit a report from the Secretary of the Navy, with the statement, so far as it can be made, required by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *December 11, 1827.*

To the Senate of the United States:

I transmit to the Senate—

1. A convention between the United States and Great Britain for the continuance in force of the convention of 3d July, 1815, after the 20th October, 1828, the term at which it would otherwise expire.

2. A convention between the same parties for continuing in force after the 20th October, 1828, the provisions of the third article of the convention of 20th October, 1818, in relation to the territories westward of the Rocky Mountains.

3. A convention between the same parties for the reference to a friendly

sovereign of the points of difference between them relating to the northeastern boundary of the United States.

The first and second of these conventions were signed by the plenipotentiaries of the respective parties at London on the 6th day of August and the third on the 29th day of September last.

Copies of them are also communicated, together with the correspondence and documents illustrative of their negotiation.

I request the advice of the Senate with regard to the ratification of each of them.

JOHN QUINCY ADAMS.

WASHINGTON, *December 11, 1827.*

To the Senate of the United States:

I transmit to the Senate, for their advice with regard to its ratification, a treaty of commerce and navigation between the United States and the Kingdom of Sweden and Norway, signed at Stockholm by the plenipotentiaries of the two Governments on the 4th day of July last.

A copy of the treaty, with a translation, and the instructions and correspondence relating to the negotiation are also communicated.

JOHN QUINCY ADAMS.

WASHINGTON, *December 12, 1827.*

To the Senate and House of Representatives of the United States:

I transmit herewith to Congress copies of a report of the surveyor-general of lands northwest of Ohio, with a plat of the northern boundary line of the State of Indiana, surveyed in conformity to the act of Congress to authorize the President of the United States to ascertain and designate the northern boundary of the State of Indiana, passed the 2d of March, 1827.

JOHN QUINCY ADAMS.

WASHINGTON, *December 24, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 14th instant, requesting a communication of the instructions to the American minister at London for the negotiation of the convention of the 13th of November, 1826, with Great Britain, for indemnity to the claimants under the first article of the treaty of Ghent, together with the letters of the minister accompanying and explaining the said convention, I transmit herewith a report from the Secretary of State, together with the documents desired.

JOHN QUINCY ADAMS.

WASHINGTON, *January 4, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 19th of last month, I communicate herewith a report from the Secretary of State, with copies of the correspondence with the British Government relating to the establishment of light-houses, light-vessels, buoys, and other improvements to the navigation within their jurisdiction, opposite to the coast of Florida, referred to in the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 7, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 17th of last month, I transmit to the House a report from the Secretary of State and the correspondence with the Government of Great Britain relative to the free navigation of the river St. Lawrence.

JOHN QUINCY ADAMS.

WASHINGTON, *January 9, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 7th instant, I transmit herewith Mitchell's map and the map marked A,* as requested by the resolution, desiring that when the Senate shall have no further use for them they may be returned.

JOHN QUINCY ADAMS.

WASHINGTON, *January 15, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 2d instant, requesting information respecting the recovery of debts and property in the Mexican States from persons absconding from the United States, and also respecting the boundary between the State of Louisiana and the Province of Texas, I now transmit a report from the Secretary of State on the subject-matter of the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 22, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice, articles of agreement signed at the Creek Agency on the 15th of November last by Thomas L. McKenney and John Crowell in behalf of the United States and by the Little Prince and other chiefs and headmen of the Creek

*Relating to the northeastern boundary of the United States.

Nation, with a supplementary article concluded by the said John Crowell with the chiefs and headmen of the nation in general council convened on the 3d instant, embracing a cession by the Creek Nation of all the remnant of their lands within the State of Georgia. Documents connected with the negotiation of the treaty and the instructions under which it was effected are also communicated to the Senate.

JOHN QUINCY ADAMS.

WASHINGTON, *January 22, 1828.*

To the Senate and House of Representatives of the United States:

By the report of the Secretary of War and the documents from that Department exhibited to Congress at the commencement of their present session they were advised of the measures taken for carrying into execution the act of 4th May, 1826, to authorize the President of the United States to run and mark a line dividing the Territory of Florida from the State of Georgia, and of their unsuccessful result. I now transmit to Congress copies of communications received from the governor of Georgia relating to that subject.

JOHN QUINCY ADAMS.

WASHINGTON, *January 23, 1828.*

To the Senate of the United States:

A resolution of the Senate of the 9th instant requested information relative to the trade between the United States and the colonies of France. A report from the Secretary of State, with a translation of the ordinance of the King of France of the 5th of February, 1826, is herewith transmitted, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 28, 1828.*

To the Senate of the United States:

I transmit to the Senate—

1. A treaty concluded at the Butte des Morts, on Fox River, in the Territory of Michigan, on 11th of August, 1827, between Lewis Cass and Thomas L. McKenney, commissioners of the United States, and the chiefs and headmen of the Chippewa, Menomonie, and Winnebago tribes of Indians.

2. A treaty concluded at St. Joseph, in the Territory of Michigan, on the 19th of September, 1827, between Lewis Cass, commissioner of the United States, and the chiefs and warriors of the Potawatamie tribe of Indians.

Upon which treaties I request the advice of the Senate. The instructions and other documents relating to the negotiation of them are herewith communicated.

JOHN QUINCY ADAMS.

WASHINGTON, *January 29, 1828.*

To the House of Representatives of the United States:

A report from the Secretary of State, with copies of a recent correspondence between the chargé d'affaires from Brazil and him on the subjects of discussion between this Government and that of Brazil,* is transmitted to the House of Representatives, in compliance with a resolution of the House of the 2d instant.

JOHN QUINCY ADAMS.

WASHINGTON, *February 6, 1828.*

To the Senate and House of Representatives of the United States:

I communicate herewith to Congress copies of a treaty of commerce and navigation between the United States and His Majesty the King of Sweden and Norway, concluded at Stockholm on the 4th of July, 1827, and the ratifications of which were exchanged on the 18th ultimo at this city.

JOHN QUINCY ADAMS.

WASHINGTON, *February 14, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 11th instant, requesting copies of the instructions to Andrew Ellicott, commissioner for running the line between the United States and Spain, and of any journal or report of the commissioners, I communicate herewith a report from the Secretary of State, with the documents requested, so far as they are found in the files of that Department.

JOHN QUINCY ADAMS.

WASHINGTON, *February 21, 1828.*

To the Senate and House of Representatives of the United States:

In transmitting to Congress copies of a communication received from the governor of Pennsylvania, with certain resolutions of the legislature of that Commonwealth, relating to the Cumberland road, I deem it my duty to recommend to the consideration of Congress an adequate provision for the permanent preservation and repair of that great national work.

JOHN QUINCY ADAMS.

WASHINGTON, *March 3, 1828.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with documents, containing the instructions of the Government of the United States to Thomas Pinckney under which was negotiated the treaty of San Lorenzo el Real, and relating to the boundary line

*Relating to the detention of American vessels by the naval forces of Brazil.

between the United States and the dominions, at that time, of Spain, as requested by a resolution of the House of the 18th ultimo.

JOHN QUINCY ADAMS.

WASHINGTON, *March 3, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 3d of January last, requesting the communication of information in my possession relative to alleged aggression on the rights of citizens of the United States by persons claiming authority under the government of the Province of New Brunswick, I communicate a report from the Secretary of State, with a copy of that of the special agent mentioned in my message at the commencement of the present session of Congress as having been sent to visit the spot where the cause of complaint had occurred to ascertain the state of the facts, and the result of whose inquiries I then promised to communicate to Congress when it should be received.

The Senate are requested to receive this communication as the fulfillment of that engagement; and in making it I deem it proper to notice with just acknowledgment the liberality with which the minister of His Britannic Majesty residing here and the government of the Province of New Brunswick have furnished the agent of the United States with every facility for the attainment of the information which it was the object of his mission to procure.

Considering the exercise of exclusive territorial jurisdiction upon the grounds in controversy by the government of New Brunswick in the arrest and imprisonment of John Baker as incompatible with the mutual understanding existing between the Governments of the United States and of Great Britain on this subject, a demand has been addressed to the provincial authorities through the minister of Great Britain for the release of that individual from prison, and of indemnity to him for his detention. In doing this it has not been intended to maintain the regularity of his own proceedings or of those with whom he was associated, to which they were not authorized by any sovereign authority of this country.

The documents appended to the report of the agent being original papers belonging to the files of the Department of State, a return of them is requested when the Senate shall have no further use for them.

JOHN QUINCY ADAMS.

WASHINGTON, *March 7, 1828.*

To the Senate of the United States:

The resolution of the Senate of the 28th ultimo, requesting me to cause to be laid before the Senate all papers which might be in the Department of War relating to the treaty concluded at the Butte des Morts, on Fox

River, between Lewis Cass and Thomas L. McKenney, commissioners on the part of the United States, and the Chippewa, Menomonie, and Winnebago tribes of Indians, having been referred to the Secretary of War, the report of that officer thereon is herewith inclosed. The papers therein referred to were all transmitted to the Senate with the treaty. Before that event, however, a petition and several other papers had been addressed directly to me, in behalf of certain Indians originally and in part still residing within the State of New York, objecting to the ratification of the treaty, as affecting injuriously their rights and interests. The treaty was itself withheld from the Senate until it was understood at the War Department and by me that by the consent of the persons representing the New York Indians their objections were withdrawn, as by one of them, the Reverend Eleazer Williams, I was personally assured. Those papers, however, addressed directly to me, and which have not been upon the files of the War Department, are now transmitted to the Senate.

JOHN QUINCY ADAMS.

WASHINGTON, *March 14, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice, a treaty concluded at the Wyandot village, near the Wabash, in the State of Indiana, between John Tipton, commissioner on the part of the United States, and the chiefs, headmen, and warriors of the Eel River or Thorntown party of Miami Indians, on the 11th day of February last.

A letter from the commissioner to the Secretary of War, with a copy of the journal of the proceedings which led to the conclusion of the treaty, are communicated with it to the Senate.

JOHN QUINCY ADAMS.

WASHINGTON, *March 15, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of the 21st ultimo, requesting me to lay before the House correspondence not heretofore communicated between the Government of the United States and that of Great Britain on the subject of the claims of the two Governments to the territory westward of the Rocky Mountains, I transmit herewith a report of the Secretary of State, with the documents requested by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March 21, 1828.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of a treaty concluded on the 15th day of November, 1827, by commissioners of the United States and the chiefs

and headmen of the Creek Nation of Indians, which was duly ratified on the 4th instant.

JOHN QUINCY ADAMS.

WASHINGTON, *March 22, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 3d instant, touching the formation of a new government by the Cherokee tribe of Indians within the States of North Carolina, Georgia, Tennessee, and Alabama, and requesting copies of certain correspondence relating thereto, I transmit to the House of Representatives a report from the Secretary of War, together with the documents desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March 25, 1828.*

To the House of Representatives of the United States:

I transmit herewith a report from the Secretary of State, prepared in compliance with the resolution of the House of Representatives of the 25th of February last, requesting copies of instructions and correspondence relating to the settlement of the boundary lines of the United States, or any one of them, under the Government of the Confederated States and by the definitive treaty of peace of 3d September, 1783, with Great Britain.

JOHN QUINCY ADAMS.

WASHINGTON, *April 8, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 22d ultimo, on the subject of the treaty with the Creek Nation of Indians of the 15th November last, I transmit herewith a report from the Secretary of War, with the documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *April 15, 1828.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of the 9th instant, requesting copies of the charges preferred against the agent of the United States for the Creek tribe of Indians since the 1st of January, 1826, and of proceedings had thereon, I transmit herewith a report from the Secretary of War, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *April 17, 1828.*

To the Senate and House of Representatives of the United States:

In conformity with the practice of all my predecessors, I have during my service in the office of President transmitted to the two Houses of Congress from time to time, by the same private secretary, such messages as a proper discharge of my constitutional duty appeared to me to require. On Tuesday last he was charged with the delivery of a message to each House. Having presented that which was intended for the House of Representatives, whilst he was passing, within the Capitol, from their Hall to the Chamber of the Senate, for the purpose of delivering the other message, he was waylaid and assaulted in the Rotunda by a person, in the presence of a member of the House, who interposed and separated the parties.

I have thought it my duty to communicate this occurrence to Congress, to whose wisdom it belongs to consider whether it is of a nature requiring from them any animadversion, and also whether any further laws or regulations are necessary to insure security in the official intercourse between the President and Congress, and to prevent disorders within the Capitol itself.

In the deliberations of Congress upon this subject it is neither expected nor desired that any consequence shall be attached to the private relation in which my secretary stands to me.

JOHN QUINCY ADAMS.

WASHINGTON, *April 21, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice, a treaty of limits between the United States of America and the United Mexican States, concluded by the plenipotentiaries of the two Governments on the 12th of January last. A copy of the treaty and the protocols of conference between the plenipotentiaries during the negotiation are inclosed with it.

JOHN QUINCY ADAMS.

WASHINGTON, *April 22, 1828.*

To the House of Representatives of the United States:

A copy of the opinion of the Attorney-General, dated 17th May, 1826, upon the construction of the award of the Emperor of Russia under the treaty of Ghent and upon certain questions propounded to him in relation thereto, subjoined to a report from the Secretary of State, are herewith communicated to the House, in compliance with their resolution of the 17th instant.

JOHN QUINCY ADAMS.

WASHINGTON, *April 24, 1828.*

To the Senate of the United States:

I transmit to the Senate, for the exercise of their constitutional authority thereon, a treaty of amity, commerce, and navigation between the United States of America and the United Mexican States, signed by their respective plenipotentiaries on the 14th of February last, with a copy of the treaty and the protocols of conference during and subsequent to the negotiation.

JOHN QUINCY ADAMS.

WASHINGTON, *April 28, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 9th instant, requesting a communication of the correspondence between this Government and that of Great Britain on the subject of the trade between the United States and the British colonial possessions in the West Indies and North America, not heretofore communicated, I transmit to the House a report from the Secretary of State, with the correspondence desired.

JOHN QUINCY ADAMS.

WASHINGTON, *April 30, 1828.*

To the Senate and House of Representatives of the United States:

In the month of December last 121 African negroes were landed at Key West from a Spanish slave-trading vessel stranded within the jurisdiction of the United States while pursued by an armed schooner in His Britannic Majesty's service. The collector of the customs at Key West took possession of these persons, who were afterwards delivered over to the marshal of the Territory of East Florida, by whom they were conveyed to St. Augustine, where they still remain.

Believing that the circumstances under which they have been cast upon the compassion of the country are not embraced by the provisions of the act of Congress of 3d March, 1819, or of the other acts prohibiting the slave trade, I submit to the consideration of Congress the expediency of a supplementary act directing and authorizing such measures as may be necessary for removing them from the territory of the United States and for fulfilling toward them the obligations of humanity.

JOHN QUINCY ADAMS.

WASHINGTON, *May 1, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 17th ultimo, relating to the removal of the Indian agency from Fort Wayne, in the

State of Indiana, I transmit a report from the Secretary of War, with the documents and information requested by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *May 5, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 30th ultimo, requesting information concerning any regulation of the Government of Brazil relative to the reduction of certain duties, I transmit herewith a report from the Secretary of State, exhibiting the information received at that Department on the subject.

JOHN QUINCY ADAMS.

WASHINGTON, *May 5, 1828.*

To the Senate of the United States:

I communicate to the Senate, for their consideration and advice, a treaty of commerce and navigation between the United States and His Majesty the King of Prussia, signed on the 1st instant at this place by the Secretary of State and the chargé d'affaires of Prussia residing here. A copy of the treaty is also transmitted.

JOHN QUINCY ADAMS.

WASHINGTON, *May 9, 1828.*

To the House of Representatives of the United States:

The report of the Secretary of War herewith transmitted, with the documents annexed, contains the information requested by a resolution of the 3d of April last, relating to the payments made to the citizens of Georgia under the fourth article of the treaty with the Creek Nation of 8th February, 1821, and to the disallowances of certain claims exhibited under that treaty, and to the reasons for rejecting the same.

JOHN QUINCY ADAMS.

WASHINGTON, *May 12, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice, the articles of a convention concluded at this place on the 6th instant between the Secretary of War and the chiefs and headmen of the Cherokee Nation west of the Mississippi, duly authorized by their nation. A report from the Secretary of War, with certain documents, and a map illustrative of the convention are submitted with it to the Senate.

JOHN QUINCY ADAMS.

WASHINGTON, *May 16, 1828.*

To the Senate and House of Representatives of the United States:

By a communication received from the chargé d'affaires of Prussia, a translation of which is herewith transmitted, it appears that in the ports of that Kingdom all discriminating duties so far as they affected the vessels of the United States and their cargoes have been abolished since the 15th of April, 1826. I recommend to the consideration of Congress a legislative provision whereby the reciprocal application of the same principle may be extended to Prussian vessels and their cargoes which may have arrived in the ports of the United States from and after that day.

JOHN QUINCY ADAMS.

WASHINGTON, *May 19, 1828.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of three conventions concluded between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, the ratifications of which were exchanged at London on the 2d of last month:

1. A convention concluded 6th August, 1827, for continuing in force the provisions of the convention of 3d July, 1815.

2. A convention concluded 6th August, 1827, for continuing in force the provisions of the third article of the convention of 20th October, 1818.

3. A convention concluded 29th September, 1827, for carrying into effect the provisions of the fifth article of the treaty of Ghent in relation to the northeastern boundary of the United States.

JOHN QUINCY ADAMS.

WASHINGTON, *May 21, 1828.*

To the House of Representatives of the United States:

I transmit to the House a report* from the Secretary of State, with a copy of the note of the minister of the United States to Spain dated 20th January, 1826, requested by a resolution of the House of the 19th instant.

JOHN QUINCY ADAMS.

WASHINGTON, *May 22, 1828.*

To the House of Representatives of the United States:

The inclosed report from the Secretary of State is accompanied by copies of the correspondence between this Government and the minister

*Relating to the war between Spain and her colonies.

of His Britannic Majesty residing here relating to the arrest and imprisonment of John Baker,* requested by a recent resolution of the House.

JOHN QUINCY ADAMS.

WASHINGTON, *May 22, 1828.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of a treaty between the United States of America and the Eel River or Thornton party of Miami Indians, concluded on the 11th of February last at the Wyandot village, near the Wabash, and duly ratified on the 7th instant.

JOHN QUINCY ADAMS.

WASHINGTON, *May 23, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 8th instant, relating to the accounts and official conduct of Thomas A. Smith, receiver of public moneys at Franklin, Mo., I transmit herewith a report from the Secretary of the Treasury, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *May 23, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 30th ultimo, I transmit herewith a report from the Secretary of State, with copies of the correspondence† with the Brazilian Government, and shewing the measures taken by the Government of the United States in relation to the several topics noticed in the resolution.

JOHN QUINCY ADAMS.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 7th of January, 1824, entitled "An act concerning discriminating duties of tonnage and impost," it is provided that upon satisfactory evidence being

*By the authorities of the Province of New Brunswick.

†Relating to alleged blockade by the naval forces of Brazil, imprisonment of American citizens by Brazil, etc.

given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation upon vessels belonging wholly to citizens of the United States or upon merchandise the produce or manufacture thereof imported in the same, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the said nation and the merchandise of its produce or manufacture imported into the United States in the same, the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and merchandise as aforesaid thereon laden shall be continued, and no longer; and

Whereas satisfactory evidence has been received by me from His Britannic Majesty, as King of Hanover, through the Right Honorable Charles Richard Vaughan, his envoy extraordinary and minister plenipotentiary, that vessels wholly belonging to citizens of the United States or merchandise the produce or manufacture thereof imported in such vessels are not nor shall be on their entering any Hanoverian port subject to the payment of higher duties of tonnage or impost than are levied on Hanoverian ships or merchandise the produce or manufacture of the United States imported in such vessels:

Now, therefore, I, John Quincy Adams, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between the vessels of the Kingdom of Hanover and vessels of the United States and between goods imported into the United States in vessels of the Kingdom of Hanover and vessels of the United States are suspended and discontinued so far as the same respect the produce or manufacture of the said Kingdom of Hanover, the said suspension to take effect this day and to continue henceforward so long as the reciprocal exemption of the vessels of the United States and of the merchandise laden therein as aforesaid shall be continued in the ports of the Kingdom of Hanover.

Given under my hand, at the city of Washington, this 1st day of July, A. D. 1828, and the fifty-second year of the Independence of the United States.

JOHN QUINCY ADAMS.

By the President:

H. CLAY,

Secretary of State.

EXECUTIVE ORDER.

DEPARTMENT OF WAR,
February 28, 1828.

The Secretary of War, by direction of the President of the United States, announces to the Army the painful intelligence of the decease [the 24th of February] of Major-General Brown.

To say that he was one of the men who have rendered most important services to his country would fall far short of the tribute due to his character. Uniting with the most unaffected simplicity the highest degree of personal valor and of intellectual energy, he stands preeminent before the world and for after ages in that band of heroic spirits who upon the ocean and the land formed and sustained during the second war with Great Britain the martial reputation of their country. To this high and honorable purpose General Brown may be truly said to have sacrificed his life, for the disease which abridged his days and has terminated his career at a period scarcely beyond the meridian of manhood undoubtedly originated in the hardships of his campaigns on the Canada frontier, and in that glorious wound which, though desperate, could not remove him from the field of battle till it was won.

Quick to perceive, sagacious to anticipate, prompt to decide, and daring in execution, he was born with the qualities which constitute a great commander. His military *coup d'œil*, his intuitive penetration, his knowledge of men and his capacity to control them were known to all his companions in arms, and commanded their respect; while the gentleness of his disposition, the courtesy of his deportment, his scrupulous regard to their rights, his constant attention to their wants, and his affectionate attachment to their persons universally won their hearts and bound them to him as a father.

Calm and collected in the presence of the enemy, he was withal tender of human life; in the hour of battle more sparing of the blood of the soldier than his own. In the hour of victory the vanquished enemy found in him a humane and compassionate friend. Not one drop of blood shed in wantonness or cruelty sullies the purity of his fame. Defeat he was never called to endure, but in the crisis of difficulty and danger he displayed untiring patience and fortitude not to be overcome.

Such was the great and accomplished captain whose loss the Army has now, in common with their fellow-citizens of all classes, to deplore. While indulging the kindly impulses of nature and yielding the tribute of a tear upon his grave, let it not be permitted to close upon his bright example as it must upon his mortal remains. Let him be more nobly sepulchered in the hearts of his fellow-soldiers, and his imperishable monument be found in their endeavors to emulate his virtues.

The officers of the Army will wear the badge of mourning for six

months on the left arm and hilt of the sword. Guns will be fired at each military post at intervals of thirty minutes from the rising to the setting of the sun on the day succeeding the arrival of this order, during which the National flag will be suspended at half-mast.

JAMES BARBOUR.

FOURTH ANNUAL MESSAGE.

WASHINGTON, *December 2, 1828.*

Fellow-Citizens of the Senate and of the House of Representatives:

If the enjoyment in profusion of the bounties of Providence forms a suitable subject of mutual gratulation and grateful acknowledgment, we are admonished at this return of the season when the representatives of the nation are assembled to deliberate upon their concerns to offer up the tribute of fervent and grateful hearts for the never-failing mercies of Him who ruleth over all. He has again favored us with healthful seasons and abundant harvests; He has sustained us in peace with foreign countries and in tranquillity within our borders; He has preserved us in the quiet and undisturbed possession of civil and religious liberty; He has crowned the year with His goodness, imposing on us no other conditions than of improving for our own happiness the blessings bestowed by His hands, and, in the fruition of all His favors, of devoting the faculties with which we have been endowed by Him to His glory and to our own temporal and eternal welfare.

In the relations of our Federal Union with our brethren of the human race the changes which have occurred since the close of your last session have generally tended to the preservation of peace and to the cultivation of harmony. Before your last separation a war had unhappily been kindled between the Empire of Russia, one of those with which our intercourse has been no other than a constant exchange of good offices, and that of the Ottoman Porte, a nation from which geographical distance, religious opinions and maxims of government on their part little suited to the formation of those bonds of mutual benevolence which result from the benefits of commerce had kept us in a state, perhaps too much prolonged, of coldness and alienation. The extensive, fertile, and populous dominions of the Sultan belong rather to the Asiatic than the European division of the human family. They enter but partially into the system of Europe, nor have their wars with Russia and Austria, the European States upon which they border, for more than a century past disturbed the pacific relations of those States with the other great powers of Europe. Neither France nor Prussia nor Great Britain has ever taken part in them, nor is it to be expected that they will at this time.

The declaration of war by Russia has received the approbation or acquiescence of her allies, and we may indulge the hope that its progress and termination will be signalized by the moderation and forbearance no less than by the energy of the Emperor Nicholas, and that it will afford the opportunity for such collateral agency in behalf of the suffering Greeks as will secure to them ultimately the triumph of humanity and of freedom.

The state of our particular relations with France has scarcely varied in the course of the present year. The commercial intercourse between the two countries has continued to increase for the mutual benefit of both. The claims of indemnity to numbers of our fellow-citizens for depredations upon their property, heretofore committed during the revolutionary governments, remain unadjusted, and still form the subject of earnest representation and remonstrance. Recent advices from the minister of the United States at Paris encourage the expectation that the appeal to the justice of the French Government will ere long receive a favorable consideration.

The last friendly expedient has been resorted to for the decision of the controversy with Great Britain relating to the northeastern boundary of the United States. By an agreement with the British Government, carrying into effect the provisions of the fifth article of the treaty of Ghent, and the convention of 29th September, 1827, His Majesty the King of the Netherlands has by common consent been selected as the umpire between the parties. The proposal to him to accept the designation for the performance of this friendly office will be made at an early day, and the United States, relying upon the justice of their cause, will cheerfully commit the arbitrament of it to a prince equally distinguished for the independence of his spirit, his indefatigable assiduity to the duties of his station, and his inflexible personal probity.

Our commercial relations with Great Britain will deserve the serious consideration of Congress and the exercise of a conciliatory and forbearing spirit in the policy of both Governments. The state of them has been materially changed by the act of Congress, passed at their last session, in alteration of the several acts imposing duties on imports, and by acts of more recent date of the British Parliament. The effect of the interdiction of direct trade, commenced by Great Britain and reciprocated by the United States, has been, as was to be foreseen, only to substitute different channels for an exchange of commodities indispensable to the colonies and profitable to a numerous class of our fellow-citizens. The exports, the revenue, the navigation of the United States have suffered no diminution by our exclusion from direct access to the British colonies. The colonies pay more dearly for the necessaries of life which their Government burdens with the charges of double voyages, freight, insurance, and commission, and the profits of our exports are somewhat impaired and more injuriously transferred from one portion of our citizens to another. The resumption of this old and otherwise exploded system of colonial

exclusion has not secured to the shipping interest of Great Britain the relief which, at the expense of the distant colonies and of the United States, it was expected to afford. Other measures have been resorted to more pointedly bearing upon the navigation of the United States, and which, unless modified by the construction given to the recent acts of Parliament, will be manifestly incompatible with the positive stipulations of the commercial convention existing between the two countries. That convention, however, may be terminated with twelve months' notice, at the option of either party.

A treaty of amity, navigation, and commerce between the United States and His Majesty the Emperor of Austria, King of Hungary and Bohemia, has been prepared for signature by the Secretary of State and by the Baron de Lederer, intrusted with full powers of the Austrian Government. Independently of the new and friendly relations which may be thus commenced with one of the most eminent and powerful nations of the earth, the occasion has been taken in it, as in other recent treaties concluded by the United States, to extend those principles of liberal intercourse and of fair reciprocity which intertwine with the exchanges of commerce the principles of justice and the feelings of mutual benevolence. This system, first proclaimed to the world in the first commercial treaty ever concluded by the United States—that of 6th February, 1778, with France—has been invariably the cherished policy of our Union. It is by treaties of commerce alone that it can be made ultimately to prevail as the established system of all civilized nations. With this principle our fathers extended the hand of friendship to every nation of the globe, and to this policy our country has ever since adhered. Whatever of regulation in our laws has ever been adopted unfavorable to the interest of any foreign nation has been essentially defensive and counteracting to similar regulations of theirs operating against us.

Immediately after the close of the War of Independence commissioners were appointed by the Congress of the Confederation authorized to conclude treaties with every nation of Europe disposed to adopt them. Before the wars of the French Revolution such treaties had been consummated with the United Netherlands, Sweden, and Prussia. During those wars treaties with Great Britain and Spain had been effected, and those with Prussia and France renewed. In all these some concessions to the liberal principles of intercourse proposed by the United States had been obtained; but as in all the negotiations they came occasionally in collision with previous internal regulations or exclusive and excluding compacts of monopoly with which the other parties had been trammeled, the advances made in them toward the freedom of trade were partial and imperfect. Colonial establishments, chartered companies, and shipbuilding influence pervaded and encumbered the legislation of all the great commercial states; and the United States, in offering free trade and equal privilege to all, were compelled to acquiesce in many exceptions with

each of the parties to their treaties, accommodated to their existing laws and anterior engagements.

The colonial system by which this whole hemisphere was bound has fallen into ruins, totally abolished by revolutions converting colonies into independent nations throughout the two American continents, excepting a portion of territory chiefly at the northern extremity of our own, and confined to the remnants of dominion retained by Great Britain over the insular archipelago, geographically the appendages of our part of the globe. With all the rest we have free trade, even with the insular colonies of all the European nations, except Great Britain. Her Government also had manifested approaches to the adoption of a free and liberal intercourse between her colonies and other nations, though by a sudden and scarcely explained revulsion the spirit of exclusion has been revived for operation upon the United States alone.

The conclusion of our last treaty of peace with Great Britain was shortly afterwards followed by a commercial convention, placing the direct intercourse between the two countries upon a footing of more equal reciprocity than had ever before been admitted. The same principle has since been much further extended by treaties with France, Sweden, Denmark, the Hanseatic cities, Prussia, in Europe, and with the Republics of Colombia and of Central America, in this hemisphere. The mutual abolition of discriminating duties and charges upon the navigation and commercial intercourse between the parties is the general maxim which characterizes them all. There is reason to expect that it will at no distant period be adopted by other nations, both of Europe and America, and to hope that by its universal prevalence one of the fruitful sources of wars of commercial competition will be extinguished.

Among the nations upon whose Governments many of our fellow-citizens have had long-pending claims of indemnity for depredations upon their property during a period when the rights of neutral commerce were disregarded was that of Denmark. They were soon after the events occurred the subject of a special mission from the United States, at the close of which the assurance was given by His Danish Majesty that at a period of more tranquillity and of less distress they would be considered, examined, and decided upon in a spirit of determined purpose for the dispensation of justice. I have much pleasure in informing Congress that the fulfillment of this honorable promise is now in progress; that a small portion of the claims has already been settled to the satisfaction of the claimants, and that we have reason to hope that the remainder will shortly be placed in a train of equitable adjustment. This result has always been confidently expected, from the character of personal integrity and of benevolence which the Sovereign of the Danish dominions has through every vicissitude of fortune maintained.

The general aspect of the affairs of our neighboring American nations of the south has been rather of approaching than of settled tranquillity.

Internal disturbances have been more frequent among them than their common friends would have desired. Our intercourse with all has continued to be that of friendship and of mutual good will. Treaties of commerce and of boundaries with the United Mexican States have been negotiated, but, from various successive obstacles, not yet brought to a final conclusion.

The civil war which unfortunately still prevails in the Republics of Central America has been unpropitious to the cultivation of our commercial relations with them; and the dissensions and revolutionary changes in the Republics of Colombia and of Peru have been seen with cordial regret by us, who would gladly contribute to the happiness of both. It is with great satisfaction, however, that we have witnessed the recent conclusion of a peace between the Governments of Buenos Ayres and of Brazil, and it is equally gratifying to observe that indemnity has been obtained for some of the injuries which our fellow-citizens had sustained in the latter of those countries. The rest are in a train of negotiation, which we hope may terminate to mutual satisfaction, and that it may be succeeded by a treaty of commerce and navigation, upon liberal principles, propitious to a great and growing commerce, already important to the interests of our country.

The condition and prospects of the revenue are more favorable than our most sanguine expectations had anticipated. The balance in the Treasury on the 1st of January last, exclusive of the moneys received under the convention of 13th of November, 1826, with Great Britain, was $5,861,972.83. The receipts into the Treasury from the 1st of January to the 30th of September last, so far as they have been ascertained to form the basis of an estimate, amount to $18,633,580.27, which, with the receipts of the present quarter, estimated at $5,461,283.40, form an aggregate of receipts during the year of $24,094,863.67. The expenditures of the year may probably amount to $25,637,111.63, and leave in the Treasury on the 1st of January next the sum of $5,125,638.14.

The receipts of the present year have amounted to near two millions more than was anticipated at the commencement of the last session of Congress.

The amount of duties secured on importations from the 1st of January to the 30th of September was about $22,997,000, and that of the estimated accruing revenue is five millions, forming an aggregate for the year of near twenty-eight millions. This is one million more than the estimate made last December for the accruing revenue of the present year, which, with allowances for drawbacks and contingent deficiencies, was expected to produce an actual revenue of $22,300,000. Had these only been realized the expenditures of the year would have been also proportionally reduced, for of these twenty-four millions received upward of nine millions have been applied to the extinction of public debt, bearing an interest of 6 per cent a year, and of course reducing the burden of

interest annually payable in future by the amount of more than half a million. The payments on account of interest during the current year exceed $3,000,000, presenting an aggregate of more than twelve millions applied during the year to the discharge of the public debt, the whole of which remaining due on the 1st of January next will amount only to $58,362,135.78.

That the revenue of the ensuing year will not fall short of that received in the one now expiring there are indications which can scarcely prove deceptive. In our country an uniform experience of forty years has shown that whatever the tariff of duties upon articles imported from abroad has been, the amount of importations has always borne an average value nearly approaching to that of the exports, though occasionally differing in the balance, sometimes being more and sometimes less. It is, indeed, a general law of prosperous commerce that the real value of exports should by a small, and only a small, balance exceed that of imports, that balance being a permanent addition to the wealth of the nation. The extent of the prosperous commerce of the nation must be regulated by the amount of its exports, and an important addition to the value of these will draw after it a corresponding increase of importations. It has happened in the vicissitudes of the seasons that the harvests of all Europe have in the late summer and autumn fallen short of their usual average. A relaxation of the interdict upon the importation of grain and flour from abroad has ensued, a propitious market has been opened to the granaries of our country, and a new prospect of reward presented to the labors of the husbandman, which for several years has been denied. This accession to the profits of agriculture in the middle and western portions of our Union is accidental and temporary. It may continue only for a single year. It may be, as has been often experienced in the revolutions of time, but the first of several scanty harvests in succession. We may consider it certain that for the approaching year it has added an item of large amount to the value of our exports and that it will produce a corresponding increase of importations. It may therefore confidently be foreseen that the revenue of 1829 will equal and probably exceed that of 1828, and will afford the means of extinguishing ten millions more of the principal of the public debt.

This new element of prosperity to that part of our agricultural industry which is occupied in producing the first article of human subsistence is of the most cheering character to the feelings of patriotism. Proceeding from a cause which humanity will view with concern, the sufferings of scarcity in distant lands, it yields a consolatory reflection that this scarcity is in no respect attributable to us; that it comes from the dispensation of Him who ordains all in wisdom and goodness, and who permits evil itself only as an instrument of good; that, far from contributing to this scarcity, our agency will be applied only to the alleviation of its severity, and that in pouring forth from the abundance of our own

garners the supplies which will partially restore plenty to those who are in need we shall ourselves reduce our stores and add to the price of our own bread, so as in some degree to participate in the wants which it will be the good fortune of our country to relieve.

The great interests of an agricultural, commercial, and manufacturing nation are so linked in union together that no permanent cause of prosperity to one of them can operate without extending its influence to the others. All these interests are alike under the protecting power of the legislative authority, and the duties of the representative bodies are to conciliate them in harmony together. So far as the object of taxation is to raise a revenue for discharging the debts and defraying the expenses of the community, its operation should be adapted as much as possible to suit the burden with equal hand upon all in proportion with their ability of bearing it without oppression. But the legislation of one nation is sometimes intentionally made to bear heavily upon the interests of another. That legislation, adapted, as it is meant to be, to the special interests of its own people, will often press most unequally upon the several component interests of its neighbors. Thus the legislation of Great Britain, when, as has recently been avowed, adapted to the depression of a rival nation, will naturally abound with regulations of interdict upon the productions of the soil or industry of the other which come in competition with its own, and will present encouragement, perhaps even bounty, to the raw material of the other State which it can not produce itself, and which is essential for the use of its manufactures, competitors in the markets of the world with those of its commercial rival. Such is the state of the commercial legislation of Great Britain as it bears upon our interests. It excludes with interdicting duties all importation (except in time of approaching famine) of the great staple of productions of our Middle and Western States; it proscribes with equal rigor the bulkier lumber and live stock of the same portion and also of the Northern and Eastern part of our Union. It refuses even the rice of the South unless aggravated with a charge of duty upon the Northern carrier who brings it to them. But the cotton, indispensable for their looms, they will receive almost duty free to weave it into a fabric for our own wear, to the destruction of our own manufactures, which they are enabled thus to undersell.

Is the self-protecting energy of this nation so helpless that there exists in the political institutions of our country no power to counteract the bias of this foreign legislation; that the growers of grain must submit to this exclusion from the foreign markets of their produce; that the shippers must dismantle their ships, the trade of the North stagnate at the wharves, and the manufacturers starve at their looms, while the whole people shall pay tribute to foreign industry to be clad in a foreign garb; that the Congress of the Union are impotent to restore the balance in favor of native industry destroyed by the statutes of another realm? More just and more generous sentiments will, I trust, prevail. If the

tariff adopted at the last session of Congress shall be found by experience to bear oppressively upon the interests of any one section of the Union, it ought to be, and I can not doubt will be, so modified as to alleviate its burden. To the voice of just complaint from any portion of their constituents the representatives of the States and of the people will never turn away their ears. But so long as the duty of the foreign shall operate only as a bounty upon the domestic article; while the planter and the merchant and the shepherd and the husbandman shall be found thriving in their occupations under the duties imposed for the protection of domestic manufactures, they will not repine at the prosperity shared with themselves by their fellow-citizens of other professions, nor denounce as violations of the Constitution the deliberate acts of Congress to shield from the wrongs of foreign laws the native industry of the Union. While the tariff of the last session of Congress was a subject of legislative deliberation it was foretold by some of its opposers that one of its necessary consequences would be to impair the revenue. It is yet too soon to pronounce with confidence that this prediction was erroneous. The obstruction of one avenue of trade not unfrequently opens an issue to another. The consequence of the tariff will be to increase the exportation and to diminish the importation of some specific articles; but by the general law of trade the increase of exportation of one article will be followed by an increased importation of others, the duties upon which will supply the deficiencies which the diminished importation would otherwise occasion. The effect of taxation upon revenue can seldom be foreseen with certainty. It must abide the test of experience. As yet no symptoms of diminution are perceptible in the receipts of the Treasury. As yet little addition of cost has even been experienced upon the articles burdened with heavier duties by the last tariff. The domestic manufacturer supplies the same or a kindred article at a diminished price, and the consumer pays the same tribute to the labor of his own countryman which he must otherwise have paid to foreign industry and toil.

The tariff of the last session was in its details not acceptable to the great interests of any portion of the Union, not even to the interest which it was specially intended to subserve. Its object was to balance the burdens upon native industry imposed by the operation of foreign laws, but not to aggravate the burdens of one section of the Union by the relief afforded to another. To the great principle sanctioned by that act—one of those upon which the Constitution itself was formed—I hope and trust the authorities of the Union will adhere. But if any of the duties imposed by the act only relieve the manufacturer by aggravating the burden of the planter, let a careful revisal of its provisions, enlightened by the practical experience of its effects, be directed to retain those which impart protection to native industry and remove or supply the place of those which only alleviate one great national interest by the depression of another.

The United States of America and the people of every State of which they are composed are each of them sovereign powers. The legislative authority of the whole is exercised by Congress under authority granted them in the common Constitution. The legislative power of each State is exercised by assemblies deriving their authority from the constitution of the State. Each is sovereign within its own province. The distribution of power between them presupposes that these authorities will move in harmony with each other. The members of the State and General Governments are all under oath to support both, and allegiance is due to the one and to the other. The case of a conflict between these two powers has not been supposed, nor has any provision been made for it in our institutions; as a virtuous nation of ancient times existed more than five centuries without a law for the punishment of parricide.

More than once, however, in the progress of our history have the people and the legislatures of one or more States, in moments of excitement, been instigated to this conflict; and the means of effecting this impulse have been allegations that the acts of Congress to be resisted were *unconstitutional*. The people of no one State have ever delegated to their legislature the power of pronouncing an act of Congress unconstitutional, but they have delegated to them powers by the exercise of which the execution of the laws of Congress within the State may be resisted. If we suppose the case of such conflicting legislation sustained by the corresponding executive and judicial authorities, patriotism and philanthropy turn their eyes from the condition in which the parties would be placed, and from that of the people of both, which must be its victims.

The reports from the Secretary of War and the various subordinate offices of the resort of that Department present an exposition of the public administration of affairs connected with them through the course of the current year. The present state of the Army and the distribution of the force of which it is composed will be seen from the report of the Major-General. Several alterations in the disposal of the troops have been found expedient in the course of the year, and the discipline of the Army, though not entirely free from exception, has been generally good.

The attention of Congress is particularly invited to that part of the report of the Secretary of War which concerns the existing system of our relations with the Indian tribes. At the establishment of the Federal Government under the present Constitution of the United States the principle was adopted of considering them as foreign and independent powers and also as proprietors of lands. They were, moreover, considered as savages, whom it was our policy and our duty to use our influence in converting to Christianity and in bringing within the pale of civilization.

As independent powers, we negotiated with them by treaties; as proprietors, we purchased of them all the lands which we could prevail upon them to sell; as brethren of the human race, rude and ignorant, we

endeavored to bring them to the knowledge of religion and of letters. The ultimate design was to incorporate in our own institutions that portion of them which could be converted to the state of civilization. In the practice of European States, before our Revolution, they had been considered *as children* to be governed; as tenants at discretion, to be dispossessed as occasion might require; as hunters to be indemnified by trifling concessions for removal from the grounds from which their game was extirpated. In changing the system it would seem as if a full contemplation of the consequences of the change had not been taken. We have been far more successful in the acquisition of their lands than in imparting to them the principles or inspiring them with the spirit of civilization. But in appropriating to ourselves their hunting grounds we have brought upon ourselves the obligation of providing them with subsistence; and when we have had the rare good fortune of teaching them the arts of civilization and the doctrines of Christianity we have unexpectedly found them forming in the midst of ourselves communities claiming to be independent of ours and rivals of sovereignty within the territories of the members of our Union. This state of things requires that a remedy should be provided—a remedy which, while it shall do justice to those unfortunate children of nature, may secure to the members of our confederation their rights of sovereignty and of soil. As the outline of a project to that effect, the views presented in the report of the Secretary of War are recommended to the consideration of Congress.

The report from the Engineer Department presents a comprehensive view of the progress which has been made in the great systems promotive of the public interest, commenced and organized under authority of Congress, and the effects of which have already contributed to the security, as they will hereafter largely contribute to the honor and dignity, of the nation.

The first of these great systems is that of fortifications, commenced immediately after the close of our last war, under the salutary experience which the events of that war had impressed upon our countrymen of its necessity. Introduced under the auspices of my immediate predecessor, it has been continued with the persevering and liberal encouragement of the Legislature, and, combined with corresponding exertions for the gradual increase and improvement of the Navy, prepares for our extensive country a condition of defense adapted to any critical emergency which the varying course of events may bring forth. Our advances in these concerted systems have for the last ten years been steady and progressive, and in a few years more will be so completed as to leave no cause for apprehension that our seacoast will ever again offer a theater of hostile invasion.

The next of these cardinal measures of policy is the preliminary to great and lasting works of public improvement in the surveys of roads, examination for the course of canals, and labors for the removal of the

obstructions of rivers and harbors, first commenced by the act of Congress of 30th of April, 1824.

The report exhibits in one table the funds appropriated at the last and preceding sessions of Congress for all these fortifications, surveys, and works of public improvement, the manner in which these funds have been applied, the amount expended upon the several works under construction, and the further sums which may be necessary to complete them; in a second, the works projected by the Board of Engineers which have not been commenced, and the estimate of their cost; in a third, the report of the annual Board of Visitors at the Military Academy at West Point.

For thirteen fortifications erecting on various points of our Atlantic coast, from Rhode Island to Louisiana, the aggregate expenditure of the year has fallen little short of $1,000,000. For the preparation of five additional reports of reconnoissances and surveys since the last session of Congress, for the civil constructions upon thirty-seven different public works commenced, eight others for which specific appropriations have been made by acts of Congress, and twenty other incipient surveys under the authority given by the act of 30th April, 1824, about one million more of dollars has been drawn from the Treasury.

To these $2,000,000 is to be added the appropriation of $250,000 to commence the erection of a breakwater near the mouth of the Delaware River, the subscriptions to the Delaware and Chesapeake, the Louisville and Portland, the Dismal Swamp, and the Chesapeake and Ohio canals, the large donations of lands to the States of Ohio, Indiana, Illinois, and Alabama for objects of improvements within those States, and the sums appropriated for light-houses, buoys, and piers on the coast; and a full view will be taken of the munificence of the nation in the application of its resources to the improvement of its own condition.

Of these great national undertakings the Academy at West Point is among the most important in itself and the most comprehensive in its consequences. In that institution a part of the revenue of the nation is applied to defray the expense of educating a competent portion of her youth chiefly to the knowledge and the duties of military life. It is the living armory of the nation. While the other works of improvement enumerated in the reports now presented to the attention of Congress are destined to ameliorate the face of nature, to multiply the facilities of communication between the different parts of the Union, to assist the labors, increase the comforts, and enhance the enjoyments of individuals, the instruction acquired at West Point enlarges the dominion and expands the capacities of the mind. Its beneficial results are already experienced in the composition of the Army, and their influence is felt in the intellectual progress of society. The institution is susceptible still of great improvement from benefactions proposed by several successive Boards of Visitors, to whose earnest and repeated recommendations I cheerfully add my own.

With the usual annual reports from the Secretary of the Navy and the Board of Commissioners will be exhibited to the view of Congress the execution of the laws relating to that department of the public service. The repression of piracy in the West Indian and in the Grecian seas has been effectually maintained, with scarcely any exception. During the war between the Governments of Buenos Ayres and of Brazil frequent collisions between the belligerent acts of power and the rights of neutral commerce occurred. Licentious blockades, irregularly enlisted or impressed seamen, and the property of honest commerce seized with violence, and even plundered under legal pretenses, are disorders never separable from the conflicts of war upon the ocean. With a portion of them the correspondence of our commanders on the eastern aspect of the South American coast and among the islands of Greece discover how far we have been involved. In these the honor of our country and the rights of our citizens have been asserted and vindicated. The appearance of new squadrons in the Mediterranean and the blockade of the Dardanelles indicate the danger of other obstacles to the freedom of commerce and the necessity of keeping our naval force in those seas. To the suggestions repeated in the report of the Secretary of the Navy, and tending to the permanent improvement of this institution, I invite the favorable consideration of Congress.

A resolution of the House of Representatives requesting that one of our small public vessels should be sent to the Pacific Ocean and South Sea to examine the coasts, islands, harbors, shoals, and reefs in those seas, and to ascertain their true situation and description, has been put in a train of execution. The vessel is nearly ready to depart. The successful accomplishment of the expedition may be greatly facilitated by suitable legislative provisions, and particularly by an appropriation to defray its necessary expense. The addition of a second, and perhaps a third, vessel, with a slight aggravation of the cost, would contribute much to the safety of the citizens embarked on this undertaking, the results of which may be of the deepest interest to our country.

With the report of the Secretary of the Navy will be submitted, in conformity to the act of Congress of 3d March, 1827, for the gradual improvement of the Navy of the United States, statements of the expenditures under that act and of the measures taken for carrying the same into effect. Every section of that statute contains a distinct provision looking to the great object of the whole—the gradual improvement of the Navy. Under its salutary sanction stores of ship timber have been procured and are in process of seasoning and preservation for the future uses of the Navy. Arrangements have been made for the preservation of the live-oak timber growing on the lands of the United States, and for its reproduction, to supply at future and distant days the waste of that most valuable material for shipbuilding by the great consumption of it yearly for the commercial as well as for the military marine of our

country. The construction of the two dry docks at Charlestown and at Norfolk is making satisfactory progress toward a durable establishment. The examinations and inquiries to ascertain the practicability and expediency of a marine railway at Pensacola, though not yet accomplished, have been postponed but to be more effectually made. The navy-yards of the United States have been examined, and plans for their improvement and the preservation of the public property therein at Portsmouth, Charlestown, Philadelphia, Washington, and Gosport, and to which two others are to be added, have been prepared and received my sanction; and no other portion of my public duties has been performed with a more intimate conviction of its importance to the future welfare and security of the Union.

With the report from the Postmaster-General is exhibited a comparative view of the gradual increase of that establishment, from five to five years, since 1792 till this time in the number of post-offices, which has grown from less than 200 to nearly 8,000; in the revenue yielded by them, which from $67,000 has swollen to upward of a million and a half, and in the number of miles of post-roads, which from 5,642 have multiplied to 114,536. While in the same period of time the population of the Union has about thrice doubled, the rate of increase of these offices is nearly 40, and of the revenue and of traveled miles from 20 to 25 for 1. The increase of revenue within the last five years has been nearly equal to the whole revenue of the Department in 1812.

The expenditures of the Department during the year which ended on the 1st of July last have exceeded the receipts by a sum of about $25,000. The excess has been occasioned by the increase of mail conveyances and facilities to the extent of near 800,000 miles. It has been supplied by collections from the postmasters of the arrearages of preceding years. While the correct principle seems to be that the income levied by the Department should defray all its expenses, it has never been the policy of this Government to raise from this establishment any revenue to be applied to any other purposes. The suggestion of the Postmaster-General that the insurance of the safe transmission of moneys by the mail might be assumed by the Department for a moderate and competent remuneration will deserve the consideration of Congress.

A report from the commissioner of the public buildings in this city exhibits the expenditures upon them in the course of the current year. It will be seen that the humane and benevolent intentions of Congress in providing, by the act of 20th May, 1826, for the erection of a penitentiary in this District have been accomplished. The authority of further legislation is now required for the removal to this tenement of the offenders against the laws sentenced to atone by personal confinement for their crimes, and to provide a code for their employment and government while thus confined.

The commissioners appointed, conformably to the act of 2d March,

1827, to provide for the adjustment of claims of persons entitled to indemnification under the first article of the treaty of Ghent, and for the distribution among such claimants of the sum paid by the Government of Great Britain under the convention of 13th of November, 1826, closed their labors on the 30th of August last by awarding to the claimants the sum of $1,197,422.18, leaving a balance of $7,537.82, which was distributed ratably amongst all the claimants to whom awards had been made, according to the directions of the act.

The exhibits appended to the report from the Commissioner of the General Land Office present the actual condition of that common property of the Union. The amount paid into the Treasury from the proceeds of lands during the year 1827 and the first half of 1828 falls little short of $2,000,000. The propriety of further extending the time for the extinguishment of the debt due to the United States by the purchasers of the public lands, limited by the act of 21st March last to the 4th of July next, will claim the consideration of Congress, to whose vigilance and careful attention the regulation, disposal, and preservation of this great national inheritance has by the people of the United States been intrusted.

Among the important subjects to which the attention of the present Congress has already been invited, and which may occupy their further and deliberate discussion, will be the provision to be made for taking the fifth census or enumeration of the inhabitants of the United States. The Constitution of the United States requires that this enumeration should be made within every term of ten years, and the date from which the last enumeration commenced was the first Monday of August of the year 1820. The laws under which the former enumerations were taken were enacted at the session of Congress immediately preceding the operation; but considerable inconveniences were experienced from the delay of legislation to so late a period. That law, like those of the preceding enumerations, directed that the census should be taken by the marshals of the several districts and Territories of the Union under instructions from the Secretary of State. The preparation and transmission to the marshals of those instructions required more time than was then allowed between the passage of the law and the day when the enumeration was to commence. The term of six months limited for the returns of the marshals was also found even then too short, and must be more so now, when an additional population of at least 3,000,000 must be presented upon the returns. As they are to be made at the short session of Congress, it would, as well as from other considerations, be more convenient to commence the enumeration from an earlier period of the year than the 1st of August. The most favorable season would be the spring. On a review of the former enumerations it will be found that the plan for taking every census has contained many improvements upon that of its predecessor. The last is still susceptible of much improvement. The

Third Census was the first at which any account was taken of the manufactures of the country. It was repeated at the last enumeration, but the returns in both cases were necessarily very imperfect. They must always be so, resting, of course, only upon the communications voluntarily made by individuals interested in some of the manufacturing establishments. Yet they contained much valuable information, and may by some supplementary provision of the law be rendered more effective. The columns of age, commencing from infancy, have hitherto been confined to a few periods, all under the number of 45 years. Important knowledge would be obtained by extending these columns, in intervals of ten years, to the utmost boundaries of human life. The labor of taking them would be a trifling addition to that already prescribed, and the result would exhibit comparative tables of longevity highly interesting to the country. I deem it my duty further to observe that much of the imperfections in the returns of the last and perhaps of preceding enumerations proceeded from the inadequateness of the compensations allowed to the marshals and their assistants in taking them.

In closing this communication it only remains for me to assure the Legislature of my continued earnest wish for the adoption of measures recommended by me heretofore and yet to be acted on by them, and of the cordial concurrence on my part in every constitutional provision which may receive their sanction during the session tending to the general welfare.

JOHN QUINCY ADAMS.

SPECIAL MESSAGES.

WASHINGTON, *December 8, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 2d of April last, I transmit a copy of the letter from the Cherokee Council to Colonel Hugh Montgomery, the agent, requested by the resolution, with a report* from the Secretary of War.

JOHN QUINCY ADAMS.

WASHINGTON, *December 8, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 23d of May last, I transmit a report from the Secretary of War, with documents, containing the information requested, relating to the harbors, roads, and other works of internal improvements undertaken and projected since the 30th April, 1824.

JOHN QUINCY ADAMS.

*Relating to a survey for a canal through the Cherokee country.

WASHINGTON, *December 8, 1828.*

To the Senate of the United States:

I communicate to the Senate, for their advice with regard to its ratification, a treaty made and concluded at the missionary establishment upon the St. Joseph of Lake Michigan the 20th day of September last, between Lewis Cass and Pierre Menard, commissioners of the United States, and the Potawatamie tribe of Indians, the journal and report of the commissioners accompanying the treaty.

JOHN QUINCY ADAMS.

WASHINGTON, *December 8, 1828.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of War, with documents, prepared in compliance with their resolution of the 26th of May last, concerning the practicability and probable cost of constructing an artificial harbor, commonly called a "breakwater," at or near the mouth of the Mississippi.

JOHN QUINCY ADAMS.

WASHINGTON, *December 9, 1828.*

To the Senate of the United States:

The inclosed report from the Secretary of State and subjoined documents are transmitted to the Senate in compliance with their resolution of 25th April last, requesting information concerning the number of free taxable inhabitants *who are not freeholders* in certain States and Territories of the Union.

JOHN QUINCY ADAMS.

WASHINGTON, *December 15, 1828.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 8th instant, referring to a negotiation of the British Government, by virtue of a resolution of the House of the 10th of May last, relative to the surrender of fugitive slaves, I transmit herewith a report from the Secretary of State, with copies of instructions and correspondence, containing the desired information.

JOHN QUINCY ADAMS.

WASHINGTON, *December 15, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their constitutional advice, an additional article, signed on the 4th day of June last, to the convention of friendship, commerce, and navigation between the United States and the Hanseatic

Republics of Lubeck, Bremen, and Hamburg concluded at this place on the 20th December, 1827. A copy of the article is likewise inclosed.

JOHN QUINCY ADAMS.

WASHINGTON, *December 16, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their advice, articles of agreement concluded at Green Bay, in the Territory of Michigan, on the 20th of August last, between Lewis Cass and Pierre Menard, commissioners on the part of the United States, and the chiefs of the Winnebago tribe and of the united tribes of the Potawatamies, Chippewas, and Ottawas, being a temporary arrangement concerning the occupation of a certain portion of the mining country which has not heretofore been ceded to the United States.

JOHN QUINCY ADAMS.

WASHINGTON, *December 22, 1828.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of War, with documents, reported in compliance with the resolution of the House of the 10th instant, requesting a copy of the instructions given for the government of the agent of the United States superintendent of the lead mines in Missouri and Illinois.

Also a report from the Secretary of War, in compliance with the resolution of the House of the 15th instant, setting forth the reasons upon which it has not been deemed expedient to nominate commissioners to hold a treaty with the Choctaw Nation of Indians for the purchase of a certain tract of land, as authorized by the act of Congress of the 24th of May last.

JOHN QUINCY ADAMS.

WASHINGTON, *January 1, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 18th ultimo, I communicate to the House a report from the Secretary of War, containing the information required in relation to the intended frauds upon the revenue, which has rendered expedient the stationing additional troops on the Niagara frontier. The other evidence embraced by the resolution, and in possession of the Government, does not, in my judgment, at present render any further employment of a regular armed force for the enforcement of the revenue laws necessary.

JOHN QUINCY ADAMS.

WASHINGTON, *January 7, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 19th May last, requesting a copy of the correspondence between the minister of the United States at the Court of Madrid and the Government of Spain on the subject of claims of citizens of the United States against the said Government, I transmit herewith a report from the Secretary of State, with the correspondence desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 14, 1829.*

To the Senate of the United States:

I transmit herewith to the Senate a report from the Secretary of State, with supplemental returns of free taxable inhabitants not freeholders in certain States and Territories of the United States, which returns have been received since my message to the Senate of the 9th December last.

JOHN QUINCY ADAMS.

WASHINGTON, *January 17, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 13th instant, I transmit herewith a report* from the Secretary of War, with an application from the Creek Indians, through the agent of the United States, and an opinion of counsel in behalf of the Indians, having relation to the subject of the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 21, 1829.*

To the House of Representatives of the United States:

In compliance with two resolutions of the House of Representatives of the 5th instant, requesting information received not heretofore communicated in relation to the arrest and trial in the British Province of New Brunswick of John Baker, a citizen of the United States, and the correspondence between the Government of the United States and that of Great Britain in relation to the said arrest and to the usurpation of jurisdiction by the British government of New Brunswick within the limits of the State of Maine, I transmit a report from the Secretary of State, with the information and correspondence requested by the House.

JOHN QUINCY ADAMS.

*Relating to claims of Georgia and the Creek Indians under the treaty of 1821, held at Indian Springs.

WASHINGTON, *January 21, 1829.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of two treaties with Indian tribes, which have been ratified:

1. Articles of agreement between the United States of America and the Winnebago tribe and the united tribes of Potawatamie, Chippeway, and Ottawa Indians, concluded at Green Bay 25th August, 1828.

2. Treaty between the United States of America and the Potawatamie tribe of Indians, concluded at the missionary establishment upon the St. Joseph of Lake Michigan 20th September, 1828.

Both by Lewis Cass and Pierre Menard, commissioners on the part of the United States, with certain chiefs and warriors of the respective tribes.

JOHN QUINCY ADAMS.

WASHINGTON, *January 26, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 17th instant, requesting copies of the instructions to the commissioners of the United States who made the treaty at the Indian Springs in 1821, I transmit to the House a report from the Secretary of War of the 22d instant, with copies of those instructions.

And in compliance with a resolution of the House of the 20th instant, requesting a communication of the journal of the above-mentioned commissioners, I transmit a report from the Secretary of War of the 24th instant, with copies of the papers, which it is believed will supply the information desired by the resolution, no regular journal having been transmitted by the commissioners to the Department.

JOHN QUINCY ADAMS.

WASHINGTON, *January 26, 1829.*

To the House of Representatives of the United States:

I transmit herewith a report from the Secretary of State, with voluminous documents prepared and collected in compliance with a resolution of the House of Representatives of the 13th January, 1825, calling for a statement of convictions, executions, and pardons for capital offenses under the authority of the Government of the United States since the adoption of the Constitution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 26, 1829.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of a convention of friendship, commerce, and navigation between the United States and the free Hanseatic Republics of Lubeck, Bremen, and Hamburg, the ratifications of which were

exchanged at this place on the 2d day of June last; and also of an additional article to the same convention, signed on the 4th day of June last, and the ratifications of which were exchanged at this city on the 14th of the present month.

JOHN QUINCY ADAMS.

WASHINGTON, *January 29, 1829.*

The PRESIDENT OF THE SENATE OF THE UNITED STATES.

SIR: I transmit herewith a letter which I have received from Mr. David, member of the Institute of France, professor of the School of Painting at Paris, and member of the Legion of Honor, the artist who presents to Congress the bust of General Lafayette which has been received with it; and I have to request the favor that after it has been communicated to the Senate it may be transmitted to the Speaker of the House of Representatives for similar communication to that body.

JOHN QUINCY ADAMS.

WASHINGTON, *January 29, 1829.*

To the Senate of the United States:

I nominate Stephen Clin, of Georgia, to be secretary of the legation of the United States at the Court of Great Britain.

Jesse H. Willis, of Florida, to be collector of the customs for the recently established district of St. Marks and inspector of the revenue for the port of Magnolia, in Florida.

And I nominate for reappointment Callender Irvine, of Pennsylvania, to be Commissary-General of Purchases. It is proper to apprise the Senate that this office is one of those which by the act of Congress of 15th May, 1820, is limited to the term of four years; that it was held by Mr. Irvine at the time of the passage of that act, but that by some inadvertence he has not hitherto been nominated for reappointment. The fact having but just now been ascertained by me, I deem it my duty to make the nomination. Mr. Irvine has hitherto performed the duties of the office under his original appointment.

JOHN QUINCY ADAMS.

WASHINGTON, *January 30, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 13th instant, requesting information of the measures taken in execution of the act of 9th May last, making an appropriation for carrying into effect the articles of agreement and cession of 24th April, 1802, between the State of Georgia and the United States, and also in execution of

certain provisions of the treaty of May last with the Cherokee Indians, I transmit to the House a report from the Secretary of War, with documents, comprising the desired information.

JOHN QUINCY ADAMS.

WASHINGTON, *February 2, 1829.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 20th ultimo, requesting information received since the last session of Congress from the Mexican Government respecting the recovery of debts in that country due to American citizens, I transmit a report from the Secretary of State, with copies of a letter of instructions to the minister of the United States in Mexico, and of his answer, relating to the subject of the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 6, 1829.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 9th of December last, requesting a detailed statement of the amount expended by the Federal Government upon works of internal improvement within the limits of the several States, with an estimate of the amount necessary to complete any work begun and not yet completed, I transmit herewith reports from the Secretaries of the Treasury and of War, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 6, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 4th instant, I transmit herewith a report from the Secretary of War, with that of the commissioner appointed to locate the national road from Zanesville, in Ohio, to the seat of government of the State of Missouri.

JOHN QUINCY ADAMS.

WASHINGTON, *February 11, 1829.*

To the Senate and House of Representatives of the United States:

By the act of Congress of the 23d of May last, "supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," provision was made for the final adjudication of such claims by the judges of the superior courts of the districts wherein the lands claimed respectively lie, and by appeal from them to the Supreme Court of the United States; and the attorneys of the United States in the

several districts were charged with the duty, in every case where the decision should be against the United States by the judge of the superior court of the district, to make out and transmit to the Attorney-General of the United States a statement containing the facts of the case and the points of law on which the same was decided, and it was made the duty of the Attorney-General in most of those cases to direct an appeal to be made to the Supreme Court of the United States and to appear for the United States and prosecute such appeals. By the same act the President of the United States was authorized to appoint a law agent to superintend the interests of the United States in the premises, and to employ assistant counsel if in his opinion the public interest should require the same.

In the process of carrying into execution this law it was the opinion of the Attorney-General of the United States that a translated complete collection of all the Spanish and French ordinances, etc., affecting the land titles in Florida and the other territories heretofore belonging to France and Spain, would be indispensable to a just decision of those claims by the Supreme Court. At his suggestion the task of preparing this compilation was undertaken by Joseph M. White, of Florida, who was employed as assistant counsel in behalf of the United States. The collection has accordingly been made and is deposited in manuscript at the Department of State, subject to such order as Congress may see fit to take concerning it. The letter from Mr. White to the Secretary of State, with a descriptive list of the documents collected and thus deposited, is herewith transmitted to Congress.

JOHN QUINCY ADAMS.

WASHINGTON, *February 16, 1829.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 5th instant, requesting detailed statements of the expenses incurred and of those which may be necessary for the expedition proposed for exploring the Pacific Ocean and South Seas, and also of the several amounts transferred from the different heads of appropriation for the support of the Navy to this object and the authority by which such transfers have been made, I transmit herewith a report from the Secretary of the Navy, with documents, from which the Senate will perceive that no such transfer has been made, and which contain the other information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 20, 1829.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 10th instant, requesting copies of correspondence and communications from 20th Octo-

ber, 1816, to 24th November, 1817, received at the Department of State from the American commissioner under the fourth article of the treaty of Ghent, I transmit herewith a report from the Secretary of State, with the copies of papers mentioned in the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 20, 1829.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of the Treasury, with documents, prepared in pursuance of their resolution of the 31st of December last, and showing the amount of expenses incurred in the survey, sale, and management of the public lands for the year 1827.

JOHN QUINCY ADAMS.

WASHINGTON, *February 25, 1829.*

To the Senate and House of Representatives of the United States:

By the act of Congress of the 3d March, 1826, for the survey of a route for a canal between the Atlantic and the Gulf of Mexico, the President of the United States was authorized to cause to be made an accurate and minute examination of the country south of the St. Marys River, and including the same, with a view to ascertain the most eligible route for a canal admitting the transit of boats to connect the Atlantic with the Gulf of Mexico, and also with a view to ascertain the practicability of a ship channel; that he cause particularly to be examined the route to the Appalachicola River or Bay, with a view to both the above objects; that he cause the necessary surveys, both by land and along the coast, with estimates of the expense of each, accompanied with proper plans, notes, observations, explanations, and opinions of the Board of Engineers, and that he cause a full report of these proceedings to be made to Congress.

In execution of this law I transmit herewith a report from the Secretary of War, with a copy of that of the Board of Engineers, upon this great and most desirable national work. The time not having allowed a copy to be taken of the map, one copy only of the whole report is transmitted to the Senate, with the request that it may be communicated to the House of Representatives, and that the map may be ultimately returned to the Department of War.

JOHN QUINCY ADAMS.

WASHINGTON, *February 26, 1829.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 20th instant, I transmit herewith a report from the Secretary of War, with the inspection reports of Brevet Major-General Gaines for the years 1826 and 1827,

relating to the organization of the Army and militia of the United States, with the request that the original documents may be returned to the Department of War at the convenience of the Senate.

JOHN QUINCY ADAMS.

WASHINGTON, *February 26, 1829.*

To the Senate of the United States:

I transmit herewith to the Senate, for their constitutional advice with regard to its ratification, a treaty of amity, commerce, and navigation between the United States and His Majesty the Emperor of Brazil, signed by the plenipotentiaries of the respective Governments at Rio de Janeiro on the 12th day of December last. A copy of the treaty is likewise inclosed, with copies of the instructions under which it was negotiated and a letter from Mr. Tudor elucidating some of its provisions. It is requested that at the convenience of the Senate the original papers may be returned to the Department of State.

JOHN QUINCY ADAMS.

WASHINGTON, *February 28, 1829.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of two Indian treaties, which have been duly ratified:

1. A treaty with the Chippewa, Menominie, and Winnebago Indians, concluded on the 11th of August, 1827, at the Butte des Morts, on Fox River, in the Territory of Michigan, between Lewis Cass and Thomas L. McKenney, commissioners on the part of the United States, and certain chiefs and warriors of the said tribes on their part.

2. A treaty with the Potawatamie tribe of Indians, concluded the 19th of September, 1827, at St. Joseph, in the Territory of Michigan, between Lewis Cass, commissioner on the part of the United States, and the chiefs and warriors of the said tribes, on their part.

JOHN QUINCY ADAMS.

WASHINGTON, *February 28, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 21st instant, requesting any information in my possession as to the practical operation of the recent act of the British Parliament entitled "The customs amendment act," purporting a discrimination of duties upon the importation of cotton from the British North American colonies and showing how far this discrimination may affect existing treaties, I transmit

herewith a report from the Secretary of State, with copies of the instructions and correspondence of the minister of the United States at London, containing the information requested.

JOHN QUINCY ADAMS.

WASHINGTON, *March 3, 1829.*

To the Senate and House of Representatives of the United States:

I transmit herewith to Congress a copy of the instructions prepared by the Secretary of State and furnished to the ministers of the United States appointed to attend at the assembly of American plenipotentiaries first held at Panama and thence transferred to Tacubaya. The occasion upon which they were given has passed away, and there is no present probability of the renewal of the negotiations; but the purposes for which they were intended are still of the deepest interest to our country and to the world, and may hereafter call again for the active efforts and beneficent energies of the Government of the United States. The motives for withholding them from general publication having ceased, justice to the Government from which they emanated and to the people for whose benefit it was instituted requires that they should be made known. With this view, and from the consideration that the subjects embraced by these instructions must probably engage hereafter the deliberations of our successors, I deem it proper to make this communication to both Houses of Congress. One copy only of the instructions being prepared, I send it to the Senate, requesting that it may be transmitted also to the House of Representatives.

JOHN QUINCY ADAMS.

PROCLAMATION.

[From Senate Journal, Twentieth Congress, second session, p. 196.]

WASHINGTON, *January 12, 1829.*

The President of the United States to ——, *Senator for the State of* ——:

Certain matters touching the public good requiring that the Senate of the United States should be convened on Wednesday, the 4th day of March next, you are desired to attend at the Senate Chamber, in the city of Washington, on that day, then and there to receive and deliberate on such communications as shall be made to you.

JOHN QUINCY ADAMS.

Andrew Jackson

March 4, 1829, to March 4, 1833

Andrew Jackson

Andrew Jackson was born in the Waxhaw Settlement, North or South Carolina, on the 15th of March, 1767. He was a son of Andrew Jackson, an Irishman, who emigrated to America in 1765 and died in 1767. The name of his mother was Elizabeth Hutchinson. There is little definite information about the schools that he attended. According to Parton, "He learned to read, to write, and cast accounts—little more." Having taken arms against the British in 1781, he was captured, and afterwards wounded by an officer because he refused to clean the officer's boots. About 1785 he began to study law at Salisbury, N. C. In 1788 removed to Nashville, Tenn., where he began to practice law. About 1791 he married Rachel Robards, originally Rachel Donelson, whose first husband was living and had taken preliminary measures to obtain a divorce, which was legally completed in 1793. The marriage ceremony was again performed in 1794. He was a member of the convention which framed the constitution of Tennessee in 1796, and in the autumn of that year was elected Representative to Congress by the people of Tennessee, which State was then entitled to only one member. Supported Thomas Jefferson in the Presidential election of 1796. In 1797 became a Senator of the United States for the State of Tennessee. Resigned his seat in the Senate in 1798; was a judge of the supreme court of Tennessee from 1798 till 1804. After war had been declared against Great Britain, General Jackson (who several years before had been appointed major-general of militia) offered his services and those of 2,500 volunteers in June, 1812. He was ordered to New Orleans, and led a body of 2,070 men in that direction; but at Natchez he received an order, dated February 6, 1813, by which his troops were dismissed from public service. In October, 1813, he took the field against the Creek Indians, whom he defeated at Talladega in November. By his services in this Creek war, which ended in 1814, he acquired great popularity, and in May, 1814, was appointed a major-general in the Regular Army; was soon afterwards ordered to the Gulf of Mexico, to oppose an expected invasion of the British. In November he seized Pensacola, which belonged to Spain, but was used by the British as a base of operations. About the 1st of December he moved his army to New Orleans, where he was successful in two engagements with the British, and afterwards gained his famous victory on January 8, 1815.

This was the last battle of the war, a treaty of peace having been signed on December 24, 1814. In 1817–18 he waged a successful war against the Seminoles in Florida, seized Pensacola, and executed Arbuthnot and Ambrister, two British subjects, accused of inciting the savages to hostile acts against the Americans. He was appointed governor of Florida in 1821. In 1823 was elected a Senator of the United States, and nominated as candidate for the Presidency by the legislature of Tennessee. His competitors were John Quincy Adams, Henry Clay, and William H. Crawford. Jackson received 99 electoral votes, Adams 84, Crawford 41, and Clay 37. As no candidate had a majority, the election devolved on the House of Representatives, and it resulted in the choice of Mr. Adams. In 1828 Jackson was elected President, receiving 178 electoral votes, while Adams received 83; was reelected in 1832, defeating Henry Clay. Retired to private life March 4, 1837. He died at the Hermitage on the 8th of June, 1845, and was buried there.

LETTER FROM THE PRESIDENT ELECT.

CITY OF WASHINGTON, *March 2, 1829.*

J. C. CALHOUN,

Vice-President of the United States.

SIR: Through you I beg leave to inform the Senate that on Wednesday, the 4th instant, at 12 o'clock, I shall be ready to take the oath prescribed by the Constitution previously to entering on a discharge of my official duties, and at such place as the Senate may think proper to designate.

I am, very respectfully, sir, your obedient servant,

ANDREW JACKSON.

FIRST INAUGURAL ADDRESS.

FELLOW-CITIZENS: About to undertake the arduous duties that I have been appointed to perform by the choice of a free people, I avail myself of this customary and solemn occasion to express the gratitude which their confidence inspires and to acknowledge the accountability which my situation enjoins. While the magnitude of their interests convinces me that no thanks can be adequate to the honor they have conferred, it admonishes me that the best return I can make is the zealous dedication of my humble abilities to their service and their good.

As the instrument of the Federal Constitution it will devolve on me for a stated period to execute the laws of the United States, to super-

intend their foreign and their confederate relations, to manage their revenue, to command their forces, and, by communications to the Legislature, to watch over and to promote their interests generally. And the principles of action by which I shall endeavor to accomplish this circle of duties it is now proper for me briefly to explain.

In administering the laws of Congress I shall keep steadily in view the limitations as well as the extent of the Executive power, trusting thereby to discharge the functions of my office without transcending its authority. With foreign nations it will be my study to preserve peace and to cultivate friendship on fair and honorable terms, and in the adjustment of any differences that may exist or arise to exhibit the forbearance becoming a powerful nation rather than the sensibility belonging to a gallant people.

In such measures as I may be called on to pursue in regard to the rights of the separate States I hope to be animated by a proper respect for those sovereign members of our Union, taking care not to confound the powers they have reserved to themselves with those they have granted to the Confederacy.

The management of the public revenue—that searching operation in all governments—is among the most delicate and important trusts in ours, and it will, of course, demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously both because it will facilitate the extinguishment of the national debt, the unnecessary duration of which is incompatible with real independence, and because it will counteract that tendency to public and private profligacy which a profuse expenditure of money by the Government is but too apt to engender. Powerful auxiliaries to the attainment of this desirable end are to be found in the regulations provided by the wisdom of Congress for the specific appropriation of public money and the prompt accountability of public officers.

With regard to a proper selection of the subjects of impost with a view to revenue, it would seem to me that the spirit of equity, caution, and compromise in which the Constitution was formed requires that the great interests of agriculture, commerce, and manufactures should be equally favored, and that perhaps the only exception to this rule should consist in the peculiar encouragement of any products of either of them that may be found essential to our national independence.

Internal improvement and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the Federal Government, are of high importance.

Considering standing armies as dangerous to free governments in time of peace, I shall not seek to enlarge our present establishment, nor disregard that salutary lesson of political experience which teaches that the military should be held subordinate to the civil power. The gradual

increase of our Navy, whose flag has displayed in distant climes our skill in navigation and our fame in arms; the preservation of our forts, arsenals, and dockyards, and the introduction of progressive improvements in the discipline and science of both branches of our military service are so plainly prescribed by prudence that I should be excused for omitting their mention sooner than for enlarging on their importance. But the bulwark of our defense is the national militia, which in the present state of our intelligence and population must render us invincible. As long as our Government is administered for the good of the people, and is regulated by their will; as long as it secures to us the rights of person and of property, liberty of conscience and of the press, it will be worth defending; and so long as it is worth defending a patriotic militia will cover it with an impenetrable ægis. Partial injuries and occasional mortifications we may be subjected to, but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country I shall cheerfully lend all the aid in my power.

It will be my sincere and constant desire to observe toward the Indian tribes within our limits a just and liberal policy, and to give that humane and considerate attention to their rights and their wants which is consistent with the habits of our Government and the feelings of our people.

The recent demonstration of public sentiment inscribes on the list of Executive duties, in characters too legible to be overlooked, the task of *reform*, which will require particularly the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment and have placed or continued power in unfaithful or incompetent hands.

In the performance of a task thus generally delineated I shall endeavor to select men whose diligence and talents will insure in their respective stations able and faithful cooperation, depending for the advancement of the public service more on the integrity and zeal of the public officers than on their numbers.

A diffidence, perhaps too just, in my own qualifications will teach me to look with reverence to the examples of public virtue left by my illustrious predecessors, and with veneration to the lights that flow from the mind that founded and the mind that reformed our system. The same diffidence induces me to hope for instruction and aid from the coordinate branches of the Government, and for the indulgence and support of my fellow-citizens generally. And a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy, and has since upheld our liberties in various vicissitudes, encourages me to offer up my ardent supplications that He will continue to make our beloved country the object of His divine care and gracious benediction.

MARCH 4, 1829.

SPECIAL MESSAGES.

MARCH 6, 1829.

To the Senate of the United States.

GENTLEMEN: The Executive nominations made during the past session of Congress, and which remain unacted on by the Senate, I hereby withdraw from their consideration.

ANDREW JACKSON.

MARCH 6, 1829.

Gentlemen of the Senate:

The treaty of commerce and navigation concluded at Washington on the 1st of May, 1828, between the United States and the King of Prussia, was laid before the Senate, who, by their resolution of the 14th of that month, advised and consented to its ratification by the President.

By the sixteenth article of that treaty it was agreed that the exchange of ratifications should be made within nine months from its date.

On the 15th day of February last, being fifteen days after the time stipulated for the exchange by the terms of the treaty, the chargé d'affaires of the King of Prussia informed the Secretary of State that he had received the Prussian ratification and was ready to exchange it for that of the United States. In reply he was informed of the intention of the President, my late predecessor, not to proceed to the exchange in consequence of the expiration of the time within which it was to be made.

Under these circumstances I have thought it my duty, in order to avoid all future questions, to ask the advice and consent of the Senate to make the proposed exchange.

I send you the original of the treaty, together with a printed copy of it.

ANDREW JACKSON.

MARCH 11, 1829.

To the Senate of the United States.

GENTLEMEN: Brevet rank for ten years' faithful service has produced much confusion in the Army. For this reason the discretion vested in the President of the United States on this subject would not be exercised by any submission of those cases to the Senate but that it has been heretofore the practice to do so. They are accordingly submitted, with other nominations, to fill the offices respectively annexed to their names in the inclosed lists,* for the consideration of the Senate.

ANDREW JACKSON.

*Omitted.

PROCLAMATIONS.

By the President of the United States of America.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 7th of January, 1824, entitled "An act concerning discriminating duties of tonnage and impost," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation upon vessels belonging wholly to citizens of the United States, or upon merchandise the produce or manufacture thereof imported in the same, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the said nation and the merchandise of its produce or manufacture imported into the United States in the same, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and merchandise, as aforesaid, therein laden, shall be continued, and no longer; and

Whereas satisfactory evidence has been received by me from His Imperial Majesty the Emperor of Austria, through the Baron de Lederer, his consul-general in the United States, that vessels wholly belonging to citizens of the United States are not, nor shall be, on their entering any Austrian port, from and after the 1st day of January last, subject to the payment of higher duties of tonnage than are levied on Austrian ships:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships arriving in the United States as imposed a discriminating duty between the vessels of the Empire of Austria and vessels of the United States are suspended and discontinued, the said suspension to take effect from the day above mentioned and to continue henceforward so long as the reciprocal exemption of the vessels of the United States shall be continued in the ports of the imperial dominions of Austria.

Given under my hand, at the city of Washington, this 11th day of May, A. D. 1829, and the fifty-second* of the Independence of the United States.

[SEAL.]

ANDREW JACKSON.

By the President:

M. Van Buren,

Secretary of State.

*Should be "third" instead of "second."

By the President of the United States of America.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 24th of May, 1828, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost,' and to equalize the duties on Prussian vessels and their cargoes," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the said foreign nation and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation or from any other foreign country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and their cargoes, as aforesaid, shall be continued, and no longer; and

Whereas satisfactory evidence has lately been received by me from His Imperial Majesty the Emperor of Austria, through an official communication of the Baron de Lederer, his consul-general in the United States, under date of the 29th of May, 1829, that no other or higher duties of tonnage and impost are imposed or levied since the 1st day of January last in the ports of Austria upon vessels wholly belonging to citizens of the United States and upon the produce, manufactures, or merchandise imported in the same from the United States and from any foreign country whatever than are levied on Austrian ships and their cargoes in the same ports under like circumstances:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of Austria and the produce, manufactures, and merchandise imported into the United States in the same from the dominions of Austria and from any other foreign country whatever, the said suspension to take effect from the day above mentioned and to continue thenceforward so long as the reciprocal exemption of the vessels of the United States and the produce, manufactures, and merchandise imported into the dominions of Austria in the same, as aforesaid, shall be continued

on the part of the Government of His Imperial Majesty the Emperor of Austria.

Given under my hand, at the city of Washington, this 3d day of June, A. D. 1829, and the fifty-third of the Independence of the United States.

ANDREW JACKSON.

By the President:

M. VAN BUREN,

Secretary of State.

EXECUTIVE ORDER.

In all applications by any invalid to obtain a pension in consequence of any disability incurred, no payment therefor shall commence until proof shall be filed in the Department and the decision of the Secretary had thereon; and no pension will be allowed to anyone while acting as an officer of the Army except in cases which have been heretofore adjudged.

Approved, 8th April, 1829.

ANDREW JACKSON.

FIRST ANNUAL MESSAGE.

Fellow-Citizens of the Senate and House of Representatives:

It affords me pleasure to tender my friendly greetings to you on the occasion of your assembling at the seat of Government to enter upon the important duties to which you have been called by the voice of our countrymen. The task devolves on me, under a provision of the Constitution, to present to you, as the Federal Legislature of twenty-four sovereign States and 12,000,000 happy people, a view of our affairs, and to propose such measures as in the discharge of my official functions have suggested themselves as necessary to promote the objects of our Union.

In communicating with you for the first time it is to me a source of unfeigned satisfaction, calling for mutual gratulation and devout thanks to a benign Providence, that we are at peace with all mankind, and that our country exhibits the most cheering evidence of general welfare and progressive improvement. Turning our eyes to other nations, our great desire is to see our brethren of the human race secured in the blessings enjoyed by ourselves, and advancing in knowledge, in freedom, and in social happiness.

Our foreign relations, although in their general character pacific and friendly, present subjects of difference between us and other powers of deep interest as well to the country at large as to many of our citizens. To effect an adjustment of these shall continue to be the object of my earnest endeavors, and notwithstanding the difficulties of the task, I do not allow myself to apprehend unfavorable results. Blessed as our country is with everything which constitutes national strength, she is fully adequate to the maintenance of all her interests. In discharging the responsible trust confided to the Executive in this respect it is my settled purpose to ask nothing that is not clearly right and to submit to nothing that is wrong; and I flatter myself that, supported by the other branches of the Government and by the intelligence and patriotism of the people, we shall be able, under the protection of Providence, to cause all our just rights to be respected.

Of the unsettled matters between the United States and other powers, the most prominent are those which have for years been the subject of negotiation with England, France, and Spain. The late periods at which our ministers to those Governments left the United States render it impossible at this early day to inform you of what has been done on the subjects with which they have been respectively charged. Relying upon the justice of our views in relation to the points committed to negotiation and the reciprocal good feeling which characterizes our intercourse with those nations, we have the best reason to hope for a satisfactory adjustment of existing differences.

With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honorable, and elevated competition. Everything in the condition and history of the two nations is calculated to inspire sentiments of mutual respect and to carry conviction to the minds of both that it is their policy to preserve the most cordial relations. Such are my own views, and it is not to be doubted that such are also the prevailing sentiments of our constituents. Although neither time nor opportunity has been afforded for a full development of the policy which the present cabinet of Great Britain designs to pursue toward this country, I indulge the hope that it will be of a just and pacific character; and if this anticipation be realized we may look with confidence to a speedy and acceptable adjustment of our affairs.

Under the convention for regulating the reference to arbitration of the disputed points of boundary under the fifth article of the treaty of Ghent, the proceedings have hitherto been conducted in that spirit of candor and liberality which ought ever to characterize the acts of sovereign States seeking to adjust by the most unexceptionable means important and delicate subjects of contention. The first statements of the parties have been exchanged, and the final replication on our part is in a course of preparation. This subject has received the attention demanded by its great and peculiar importance to a patriotic member of this Confederacy.

The exposition of our rights already made is such as, from the high reputation of the commissioners by whom it has been prepared, we had a right to expect. Our interests at the Court of the Sovereign who has evinced his friendly disposition by assuming the delicate task of arbitration have been committed to a citizen of the State of Maine, whose character, talents, and intimate acquaintance with the subject eminently qualify him for so responsible a trust. With full confidence in the justice of our cause and in the probity, intelligence, and uncompromising independence of the illustrious arbitrator, we can have nothing to apprehend from the result.

From France, our ancient ally, we have a right to expect that justice which becomes the sovereign of a powerful, intelligent, and magnanimous people. The beneficial effects produced by the commercial convention of 1822, limited as are its provisions, are too obvious not to make a salutary impression upon the minds of those who are charged with the administration of her Government. Should this result induce a disposition to embrace to their full extent the wholesome principles which constitute our commercial policy, our minister to that Court will be found instructed to cherish such a disposition and to aid in conducting it to useful practical conclusions. The claims of our citizens for depredations upon their property, long since committed under the authority, and in many instances by the express direction, of the then existing Government of France, remain unsatisfied, and must therefore continue to furnish a subject of unpleasant discussion and possible collision between the two Governments. I cherish, however, a lively hope, founded as well on the validity of those claims and the established policy of all enlightened governments as on the known integrity of the French Monarch, that the injurious delays of the past will find redress in the equity of the future. Our minister has been instructed to press these demands on the French Government with all the earnestness which is called for by their importance and irrefutable justice, and in a spirit that will evince the respect which is due to the feelings of those from whom the satisfaction is required.

Our minister recently appointed to Spain has been authorized to assist in removing evils alike injurious to both countries, either by concluding a commercial convention upon liberal and reciprocal terms or by urging the acceptance in their full extent of the mutually beneficial provisions of our navigation acts. He has also been instructed to make a further appeal to the justice of Spain, in behalf of our citizens, for indemnity for spoliations upon our commerce committed under her authority—an appeal which the pacific and liberal course observed on our part and a due confidence in the honor of that Government authorize us to expect will not be made in vain.

With other European powers our intercourse is on the most friendly footing. In Russia, placed by her territorial limits, extensive population,

and great power high in the rank of nations, the United States have always found a steadfast friend. Although her recent invasion of Turkey awakened a lively sympathy for those who were exposed to the desolations of war, we can not but anticipate that the result will prove favorable to the cause of civilization and to the progress of human happiness. The treaty of peace between these powers having been ratified, we can not be insensible to the great benefit to be derived by the commerce of the United States from unlocking the navigation of the Black Sea, a free passage into which is secured to all merchant vessels bound to ports of Russia under a flag at peace with the Porte. This advantage, enjoyed upon conditions by most of the powers of Europe, has hitherto been withheld from us. During the past summer an antecedent but unsuccessful attempt to obtain it was renewed under circumstances which promised the most favorable results. Although these results have fortunately been thus in part attained, further facilities to the enjoyment of this new field for the enterprise of our citizens are, in my opinion, sufficiently desirable to insure to them our most zealous attention.

Our trade with Austria, although of secondary importance, has been gradually increasing, and is now so extended as to deserve the fostering care of the Government. A negotiation, commenced and nearly completed with that power by the late Administration, has been consummated by a treaty of amity, navigation, and commerce, which will be laid before the Senate.

During the recess of Congress our diplomatic relations with Portugal have been resumed. The peculiar state of things in that country caused a suspension of the recognition of the representative who presented himself until an opportunity was had to obtain from our official organ there information regarding the actual and, as far as practicable, prospective condition of the authority by which the representative in question was appointed. This information being received, the application of the established rule of our Government in like cases was no longer withheld.

Considerable advances have been made during the present year in the adjustment of claims of our citizens upon Denmark for spoliations, but all that we have a right to demand from that Government in their behalf has not yet been conceded. From the liberal footing, however, upon which this subject has, with the approbation of the claimants, been placed by the Government, together with the uniformly just and friendly disposition which has been evinced by His Danish Majesty, there is a reasonable ground to hope that this single subject of difference will speedily be removed.

Our relations with the Barbary Powers continue, as they have long been, of the most favorable character. The policy of keeping an adequate force in the Mediterranean, as security for the continuance of this tranquillity, will be persevered in, as well as a similar one for the protection of our commerce and fisheries in the Pacific.

The southern Republics of our own hemisphere have not yet realized all the advantages for which they have been so long struggling. We trust, however, that the day is not distant when the restoration of peace and internal quiet, under permanent systems of government, securing the liberty and promoting the happiness of the citizens, will crown with complete success their long and arduous efforts in the cause of self-government, and enable us to salute them as friendly rivals in all that is truly great and glorious.

The recent invasion of Mexico, and the effect thereby produced upon her domestic policy, must have a controlling influence upon the great question of South American emancipation. We have seen the fell spirit of civil dissension rebuked, and perhaps forever stifled, in that Republic by the love of independence. If it be true, as appearances strongly indicate, that the spirit of independence is the master spirit, and if a corresponding sentiment prevails in the other States, this devotion to liberty can not be without a proper effect upon the counsels of the mother country. The adoption by Spain of a pacific policy toward her former colonies—an event consoling to humanity, and a blessing to the world, in which she herself can not fail largely to participate—may be most reasonably expected.

The claims of our citizens upon the South American Governments generally are in a train of settlement, while the principal part of those upon Brazil have been adjusted, and a decree in council ordering bonds to be issued by the minister of the treasury for their amount has received the sanction of His Imperial Majesty. This event, together with the exchange of the ratifications of the treaty negotiated and concluded in 1828, happily terminates all serious causes of difference with that power.

Measures have been taken to place our commercial relations with Peru upon a better footing than that upon which they have hitherto rested, and if met by a proper disposition on the part of that Government important benefits may be secured to both countries.

Deeply interested as we are in the prosperity of our sister Republics, and more particularly in that of our immediate neighbor, it would be most gratifying to me were I permitted to say that the treatment which we have received at her hands has been as universally friendly as the early and constant solicitude manifested by the United States for her success gave us a right to expect. But it becomes my duty to inform you that prejudices long indulged by a portion of the inhabitants of Mexico against the envoy extraordinary and minister plenipotentiary of the United States have had an unfortunate influence upon the affairs of the two countries, and have diminished that usefulness to his own which was justly to be expected from his talents and zeal. To this cause, in a great degree, is to be imputed the failure of several measures equally interesting to both parties, but particularly that of the Mexican Government to ratify a treaty negotiated and concluded in its own capital and

under its own eye. Under these circumstances it appeared expedient to give to Mr. Poinsett the option either to return or not, as in his judgment the interest of his country might require, and instructions to that end were prepared; but before they could be dispatched a communication was received from the Government of Mexico, through its chargé d'affaires here, requesting the recall of our minister. This was promptly complied with, and a representative of a rank corresponding with that of the Mexican diplomatic agent near this Government was appointed. Our conduct toward that Republic has been uniformly of the most friendly character, and having thus removed the only alleged obstacle to harmonious intercourse, I can not but hope that an advantageous change will occur in our affairs.

In justice to Mr. Poinsett it is proper to say that my immediate compliance with the application for his recall and the appointment of a successor are not to be ascribed to any evidence that the imputation of an improper interference by him in the local politics of Mexico was well founded, nor to a want of confidence in his talents or integrity, and to add that the truth of that charge has never been affirmed by the federal Government of Mexico in its communications with this.

I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our Constitution which relates to the election of President and Vice-President. Our system of government was by its framers deemed an experiment, and they therefore consistently provided a mode of remedying its defects.

To the people belongs the right of electing their Chief Magistrate; it was never designed that their choice should in any case be defeated, either by the intervention of electoral colleges or by the agency confided, under certain contingencies, to the House of Representatives. Experience proves that in proportion as agents to execute the will of the people are multiplied there is danger of their wishes being frustrated. Some may be unfaithful; all are liable to err. So far, therefore, as the people can with convenience speak, it is safer for them to express their own will.

The number of aspirants to the Presidency and the diversity of the interests which may influence their claims leave little reason to expect a choice in the first instance, and in that event the election must devolve on the House of Representatives, where it is obvious the will of the people may not be always ascertained, or, if ascertained, may not be regarded. From the mode of voting by States the choice is to be made by 24 votes, and it may often occur that one of these will be controlled by an individual Representative. Honors and offices are at the disposal of the successful candidate. Repeated ballotings may make it apparent that a single individual holds the cast in his hand. May he not be tempted to name his reward? But even without corruption, supposing the probity of the Representative to be proof against the powerful motives by which it may be assailed, the will of the people is still constantly liable to be

misrepresented. One may err from ignorance of the wishes of his constituents; another from a conviction that it is his duty to be governed by his own judgment of the fitness of the candidates; finally, although all were inflexibly honest, all accurately informed of the wishes of their constituents, yet under the present mode of election a minority may often elect a President, and when this happens it may reasonably be expected that efforts will be made on the part of the majority to rectify this injurious operation of their institutions. But although no evil of this character should result from such a perversion of the first principle of our system—*that the majority is to govern*—it must be very certain that a President elected by a minority can not enjoy the confidence necessary to the successful discharge of his duties.

In this as in all other matters of public concern policy requires that as few impediments as possible should exist to the free operation of the public will. Let us, then, endeavor so to amend our system that the office of Chief Magistrate may not be conferred upon any citizen but in pursuance of a fair expression of the will of the majority.

I would therefore recommend such an amendment of the Constitution as may remove all intermediate agency in the election of the President and Vice-President. The mode may be so regulated as to preserve to each State its present relative weight in the election, and a failure in the first attempt may be provided for by confining the second to a choice between the two highest candidates. In connection with such an amendment it would seem advisable to limit the service of the Chief Magistrate to a single term of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office the Representatives in Congress on whom such an election may have devolved would not be proper.

While members of Congress can be constitutionally appointed to offices of trust and profit it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens; but the purity of our Government would doubtless be promoted by their exclusion from all appointments in the gift of the President, in whose election they may have been officially concerned. The nature of the judicial office and the necessity of securing in the Cabinet and in diplomatic stations of the highest rank the best talents and political experience should, perhaps, except these from the exclusion.

There are, perhaps, few men who can for any great length of time enjoy office and power without being more or less under the influence of feelings unfavorable to the faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves, but they are apt to acquire a habit of looking with indifference upon the public interests and of tolerating conduct from which an unpracticed man would revolt. Office is considered as a

species of property, and government rather as a means of promoting individual interests than as an instrument created solely for the service of the people. Corruption in some and in others a perversion of correct feelings and principles divert government from its legitimate ends and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or at least admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance; and I can not but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience. I submit, therefore, to your consideration whether the efficiency of the Government would not be promoted and official industry and integrity better secured by a general extension of the law which limits appointments to four years.

In a country where offices are created solely for the benefit of the people no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men at the public expense. No individual wrong is, therefore, done by removal, since neither appointment to nor continuance in office is matter of right. The incumbent became an officer with a view to public benefits, and when these require his removal they are not to be sacrificed to private interests. It is the people, and they alone, who have a right to complain when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living that are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property now so generally connected with official station, and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system.

No very considerable change has occurred during the recess of Congress in the condition of either our agriculture, commerce, or manufactures. The operation of the tariff has not proved so injurious to the two former or as beneficial to the latter as was anticipated. Importations of foreign goods have not been sensibly diminished, while domestic competition, under an illusive excitement, has increased the production much beyond the demand for home consumption. The consequences have been low prices, temporary embarrassment, and partial loss. That such of our manufacturing establishments as are based upon capital and are prudently managed will survive the shock and be ultimately profitable there is no good reason to doubt.

To regulate its conduct so as to promote equally the prosperity of these three cardinal interests is one of the most difficult tasks of Government; and it may be regretted that the complicated restrictions which now embarrass the intercourse of nations could not by common consent be abolished, and commerce allowed to flow in those channels to which individual enterprise, always its surest guide, might direct it. But we

must ever expect selfish legislation in other nations, and are therefore compelled to adapt our own to their regulations in the manner best calculated to avoid serious injury and to harmonize the conflicting interests of our agriculture, our commerce, and our manufactures. Under these impressions I invite your attention to the existing tariff, believing that some of its provisions require modification.

The general rule to be applied in graduating the duties upon articles of foreign growth or manufacture is that which will place our own in fair competition with those of other countries; and the inducements to advance even a step beyond this point are controlling in regard to those articles which are of primary necessity in time of war. When we reflect upon the difficulty and delicacy of this operation, it is important that it should never be attempted but with the utmost caution. Frequent legislation in regard to any branch of industry, affecting its value, and by which its capital may be transferred to new channels, must always be productive of hazardous speculation and loss.

In deliberating, therefore, on these interesting subjects local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. All attempts to connect them with the party conflicts of the day are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation subjected to such influences can never be just, and will not long retain the sanction of a people whose active patriotism is not bounded by sectional limits nor insensible to that spirit of concession and forbearance which gave life to our political compact and still sustains it. Discarding all calculations of political ascendency, the North, the South, the East, and the West should unite in diminishing any burthen of which either may justly complain.

The agricultural interest of our country is so essentially connected with every other and so superior in importance to them all that it is scarcely necessary to invite to it your particular attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions and to extend their application to the wants and comforts of society that they deserve the fostering care of Government.

Looking forward to the period, not far distant, when a sinking fund will no longer be required, the duties on those articles of importation which can not come in competition with our own productions are the first that should engage the attention of Congress in the modification of the tariff. Of these, tea and coffee are the most prominent. They enter largely into the consumption of the country, and have become articles of necessity to all classes. A reduction, therefore, of the existing duties will be felt as a common benefit, but like all other legislation connected with commerce, to be efficacious and not injurious it should be gradual and certain.

The public prosperity is evinced in the increased revenue arising from

the sales of the public lands and in the steady maintenance of that produced by imposts and tonnage, notwithstanding the additional duties imposed by the act of 19th May, 1828, and the unusual importations in the early part of that year.

The balance in the Treasury on January 1, 1829, was $5,972,435.81. The receipts of the current year are estimated at $24,602,230 and the expenditures for the same time at $26,164,595, leaving a balance in the Treasury on the 1st of January next of $4,410,070.81.

There will have been paid on account of the public debt during the present year the sum of $12,405,005.80, reducing the whole debt of the Government on the 1st of January next to $48,565,406.50, including seven millions of 5 per cent stock subscribed to the Bank of the United States. The payment on account of public debt made on the 1st of July last was $8,715,462.87. It was apprehended that the sudden withdrawal of so large a sum from the banks in which it was deposited, at a time of unusual pressure in the money market, might cause much injury to the interests dependent on bank accommodations. But this evil was wholly averted by an early anticipation of it at the Treasury, aided by the judicious arrangements of the officers of the Bank of the United States.

This state of the finances exhibits the resources of the nation in an aspect highly flattering to its industry and auspicious of the ability of Government in a very short time to extinguish the public debt. When this shall be done our population will be relieved from a considerable portion of its present burthens, and will find not only new motives to patriotic affection, but additional means for the display of individual enterprise. The fiscal power of the States will also be increased, and may be more extensively exerted in favor of education and other public objects, while ample means will remain in the Federal Government to promote the general weal in all the modes permitted to its authority.

After the extinction of the public debt it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union will until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be

benefited by the improvement of inland navigation and the construction of highways in the several States. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has by many of our fellow-citizens been deprecated as an infraction of the Constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

To avoid these evils it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States according to their ratio of representation, and should this measure not be found warranted by the Constitution that it would be expedient to propose to the States an amendment authorizing it. I regard an appeal to the source of power in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations. Upon this country more than any other has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a government of limited and specific, and not general, powers must be admitted by all, and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised, and not undermine the whole system by a resort to overstrained constructions. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object of admiration to the world. We are responsible to our country and to the glorious cause of self-government for the preservation of so great a good. The great mass of legislation relating to our internal affairs was intended to be left where the Federal Convention found it—in the State governments. Nothing is clearer, in my view, than that we are chiefly indebted for the success of the Constitution under which we are now acting to the watchful and auxiliary operation of the State authorities. This is not the reflection of a day, but belongs to the most deeply rooted convictions of my mind. I can not, therefore, too strongly or too earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of State sovereignty. Sustained by its healthful and invigorating influence the federal system can never fall.

In the collection of the revenue the long credits authorized on goods imported from beyond the Cape of Good Hope are the chief cause of the losses at present sustained. If these were shortened to six, nine, and twelve months, and warehouses provided by Government sufficient to receive the goods offered in deposit for security and for debenture, and if the right of the United States to a priority of payment out of the estates of its insolvent debtors were more effectually secured, this evil would in

a great measure be obviated. An authority to construct such houses is therefore, with the proposed alteration of the credits, recommended to your attention.

It is worthy of notice that the laws for the collection and security of the revenue arising from imposts were chiefly framed when the rates of duties on imported goods presented much less temptation for illicit trade than at present exists. There is reason to believe that these laws are in some respects quite insufficient for the proper security of the revenue and the protection of the interests of those who are disposed to observe them. The injurious and demoralizing tendency of a successful system of smuggling is so obvious as not to require comment, and can not be too carefully guarded against. I therefore suggest to Congress the propriety of adopting efficient measures to prevent this evil, avoiding, however, as much as possible, every unnecessary infringement of individual liberty and embarrassment of fair and lawful business.

On an examination of the records of the Treasury I have been forcibly struck with the large amount of public money which appears to be outstanding. Of the sum thus due from individuals to the Government a considerable portion is undoubtedly desperate, and in many instances has probably been rendered so by remissness in the agents charged with its collection. By proper exertions a great part, however, may yet be recovered; and whatever may be the portions respectively belonging to these two classes, it behooves the Government to ascertain the real state of the fact. This can be done only by the prompt adoption of judicious measures for the collection of such as may be made available. It is believed that a very large amount has been lost through the inadequacy of the means provided for the collection of debts due to the public, and that this inadequacy lies chiefly in the want of legal skill habitually and constantly employed in the direction of the agents engaged in the service. It must, I think, be admitted that the supervisory power over suits brought by the public, which is now vested in an *accounting* officer of the Treasury, not selected with a view to his legal knowledge, and encumbered as he is with numerous other duties, operates unfavorably to the public interest.

It is important that this branch of the public service should be subjected to the supervision of such professional skill as will give it efficiency. The expense attendant upon such a modification of the executive department would be justified by the soundest principles of economy. I would recommend, therefore, that the duties now assigned to the agent of the Treasury, so far as they relate to the superintendence and management of legal proceedings on the part of the United States, be transferred to the Attorney-General, and that this officer be placed on the same footing in all respects as the heads of the other Departments, receiving like compensation and having such subordinate officers provided for his Department as may be requisite for the discharge of these additional duties.

The professional skill of the Attorney-General, employed in directing the conduct of marshals and district attorneys, would hasten the collection of debts now in suit and hereafter save much to the Government. It might be further extended to the superintendence of all criminal proceedings for offenses against the United States. In making this transfer great care should be taken, however, that the power necessary to the Treasury Department be not impaired, one of its greatest securities consisting in a control over all accounts until they are audited or reported for suit.

In connection with the foregoing views I would suggest also an inquiry whether the provisions of the act of Congress authorizing the discharge of the persons of debtors to the Government from imprisonment may not, consistently with the public interest, be extended to the release of the debt where the conduct of the debtor is wholly exempt from the imputation of fraud. Some more liberal policy than that which now prevails in reference to this unfortunate class of citizens is certainly due to them, and would prove beneficial to the country. The continuance of the liability after the means to discharge it have been exhausted can only serve to dispirit the debtor; or, where his resources are but partial, the want of power in the Government to compromise and release the demand instigates to fraud as the only resource for securing a support to his family. He thus sinks into a state of apathy, and becomes a useless drone in society or a vicious member of it, if not a feeling witness of the rigor and inhumanity of his country. All experience proves that oppressive debt is the bane of enterprise, and it should be the care of a republic not to exert a grinding power over misfortune and poverty.

Since the last session of Congress numerous frauds on the Treasury have been discovered, which I thought it my duty to bring under the cognizance of the United States court for this district by a criminal prosecution. It was my opinion and that of able counsel who were consulted that the cases came within the penalties of the act of the Seventeenth Congress approved 3d March, 1823, providing for the punishment of frauds committed on the Government of the United States. Either from some defect in the law or in its administration every effort to bring the accused to trial under its provisions proved ineffectual, and the Government was driven to the necessity of resorting to the vague and inadequate provisions of the common law. It is therefore my duty to call your attention to the laws which have been passed for the protection of the Treasury. If, indeed, there be no provision by which those who may be unworthily intrusted with its guardianship can be punished for the most flagrant violation of duty, extending even to the most fraudulent appropriation of the public funds to their own use, it is time to remedy so dangerous an omission; or if the law has been perverted from its original purposes, and criminals deserving to be punished under its provisions have been rescued by legal subtleties, it ought to be made so plain by

amendatory provisions as to baffle the arts of perversion and accomplish the ends of its original enactment.

In one of the most flagrant cases the court decided that the prosecution was barred by the statute which limits prosecutions for fraud to two years. In this case all the evidences of the fraud, and, indeed, all knowledge that a fraud had been committed, were in possession of the party accused until after the two years had elapsed. Surely the statute ought not to run in favor of any man while he retains all the evidences of his crime in his own possession, and least of all in favor of a public officer who continues to defraud the Treasury and conceal the transaction for the brief term of two years. I would therefore recommend such an alteration of the law as will give the injured party and the Government two years after the disclosure of the fraud or after the accused is out of office to commence their prosecution.

In connection with this subject I invite the attention of Congress to a general and minute inquiry into the condition of the Government, with a view to ascertain what offices can be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts to secure the proper responsibility of public agents and promote efficiency and justice in all its operations.

The report of the Secretary of War will make you acquainted with the condition of our Army, fortifications, arsenals, and Indian affairs. The proper discipline of the Army, the training and equipment of the militia, the education bestowed at West Point, and the accumulation of the means of defense applicable to the naval force will tend to prolong the peace we now enjoy, and which every good citizen, more especially those who have felt the miseries of even a successful warfare, must ardently desire to perpetuate.

The returns from the subordinate branches of this service exhibit a regularity and order highly creditable to its character. Both officers and soldiers seem imbued with a proper sense of duty, and conform to the restraints of exact discipline with that cheerfulness which becomes the profession of arms. There is need, however, of further legislation to obviate the inconveniences specified in the report under consideration, to some of which it is proper that I should call your particular attention.

The act of Congress of the 2d March, 1821, to reduce and fix the military establishment, remaining unexecuted as it regards the command of one of the regiments of artillery, can not now be deemed a guide to the Executive in making the proper appointment. An explanatory act, designating the class of officers out of which this grade is to be filled—whether from the military list as existing prior to the act of 1821 or from it as it has been fixed by that act—would remove this difficulty. It is also important that the laws regulating the pay and emoluments of officers generally should be more specific than they now are. Those, for example, in relation to the Paymaster and Surgeon General assign to

them an annual salary of $2,500, but are silent as to allowances which in certain exigencies of the service may be deemed indispensable to the discharge of their duties. This circumstance has been the authority for extending to them various allowances at different times under former Administrations, but no uniform rule has been observed on the subject. Similar inconveniences exist in other cases, in which the construction put upon the laws by the public accountants may operate unequally, produce confusion, and expose officers to the odium of claiming what is not their due.

I recommend to your fostering care, as one of our safest means of national defense, the Military Academy. This institution has already exercised the happiest influence upon the moral and intellectual character of our Army; and such of the graduates as from various causes may not pursue the profession of arms will be scarcely less useful as citizens. Their knowledge of the military art will be advantageously employed in the militia service, and in a measure secure to that class of troops the advantages which in this respect belong to standing armies.

I would also suggest a review of the pension law, for the purpose of extending its benefits to every Revolutionary soldier who aided in establishing our liberties, and who is unable to maintain himself in comfort. These relics of the War of Independence have strong claims upon their country's gratitude and bounty. The law is defective in not embracing within its provisions all those who were during the last war disabled from supporting themselves by manual labor. Such an amendment would add but little to the amount of pensions, and is called for by the sympathies of the people as well as by considerations of sound policy. It will be perceived that a large addition to the list of pensioners has been occasioned by an order of the late Administration, departing materially from the rules which had previously prevailed. Considering it an act of legislation, I suspended its operation as soon as I was informed that it had commenced. Before this period, however, applications under the new regulation had been preferred to the number of 154, of which, on the 27th March, the date of its revocation, 87 were admitted. For the amount there was neither estimate nor appropriation; and besides this deficiency, the regular allowances, according to the rules which have heretofore governed the Department, exceed the estimate of its late Secretary by about $50,000, for which an appropriation is asked.

Your particular attention is requested to that part of the report of the Secretary of War which relates to the money held in trust for the Seneca tribe of Indians. It will be perceived that without legislative aid the Executive can not obviate the embarrassments occasioned by the diminution of the dividends on that fund, which originally amounted to $100,000, and has recently been invested in United States 3 per cent stock.

The condition and ulterior destiny of the Indian tribes within the

limits of some of our States have become objects of much interest and importance. It has long been the policy of Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another wholly incompatible with its success. Professing a desire to civilize and settle them, we have at the same time lost no opportunity to purchase their lands and thrust them farther into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, Government has constantly defeated its own policy, and the Indians in general, receding farther and farther to the west, have retained their savage habits. A portion, however, of the Southern tribes, having mingled much with the whites and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection.

Under these circumstances the question presented was whether the General Government had a right to sustain those people in their pretensions. The Constitution declares that "no new State shall be formed or erected within the jurisdiction of any other State" without the consent of its legislature. If the General Government is not permitted to tolerate the erection of a confederate State within the territory of one of the members of this Union against her consent, much less could it allow a foreign and independent government to establish itself there. Georgia became a member of the Confederacy which eventuated in our Federal Union as a sovereign State, always asserting her claim to certain limits, which, having been originally defined in her colonial charter and subsequently recognized in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States in the articles of cession of 1802. Alabama was admitted into the Union on the same footing with the original States, with boundaries which were prescribed by Congress. There is no constitutional, conventional, or legal provision which allows them less power over the Indians within their borders than is possessed by Maine or New York. Would the people of Maine permit the Penobscot tribe to erect an independent government within their State? And unless they did would it not be the duty of the General Government to support them in resisting such a measure? Would the people of New York permit each remnant of the Six Nations within her borders to declare itself an independent people under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? And if they were so disposed would it be the duty of this Government to protect them in the attempt? If

the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this Government are reversed, and that it has become a part of its duty to aid in destroying the States which it was established to protect.

Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama that their attempt to establish an independent government would not be countenanced by the Executive of the United States, and advised them to emigrate beyond the Mississippi or submit to the laws of those States.

Our conduct toward these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force they have been made to retire from river to river and from mountain to mountain, until some of the tribes have become extinct and others have left but remnants to preserve for awhile their once terrible names. Surrounded by the whites with their arts of civilization, which by destroying the resources of the savage doom him to weakness and decay, the fate of the Mohegan, the Narragansett, and the Delaware is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them if they remain within the limits of the States does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new States, whose limits they could control. That step can not be retraced. A State can not be dismembered by Congress or restricted in the exercise of her constitutional power. But the people of those States and of every State, actuated by feelings of justice and a regard for our national honor, submit to you the interesting question whether something can not be done, consistently with the rights of the States, to preserve this much-injured race.

As a means of effecting this end I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any State or Territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it, each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization, and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race and to attest the humanity and justice of this Government.

This emigration should be voluntary, for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers and seek

a home in a distant land. But they should be distinctly informed that if they remain within the limits of the States they must be subject to their laws. In return for their obedience as individuals they will without doubt be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose that in this state of things claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain or passed them in the chase. Submitting to the laws of the States, and receiving, like other citizens, protection in their persons and property, they will ere long become merged in the mass of our population.

The accompanying report of the Secretary of the Navy will make you acquainted with the condition and useful employment of that branch of our service during the present year. Constituting as it does the best standing security of this country against foreign aggression, it claims the especial attention of Government. In this spirit the measures which since the termination of the last war have been in operation for its gradual enlargement were adopted, and it should continue to be cherished as the offspring of our national experience. It will be seen, however, that notwithstanding the great solicitude which has been manifested for the perfect organization of this arm and the liberality of the appropriations which that solicitude has suggested, this object has in many important respects not been secured.

In time of peace we have need of no more ships of war than are requisite to the protection of our commerce. Those not wanted for this object must lay in the harbors, where without proper covering they rapidly decay, and even under the best precautions for their preservation must soon become useless. Such is already the case with many of our finest vessels, which, though unfinished, will now require immense sums of money to be restored to the condition in which they were when committed to their proper element. On this subject there can be but little doubt that our best policy would be to discontinue the building of ships of the first and second class, and look rather to the possession of ample materials, prepared for the emergencies of war, than to the number of vessels which we can float in a season of peace, as the index of our naval power. Judicious deposits in navy-yards of timber and other materials, fashioned under the hands of skillful workmen and fitted for prompt application to their various purposes, would enable us at all times to construct vessels as fast as they can be manned, and save the heavy expense of repairs, except to such vessels as must be employed in guarding our commerce. The proper points for the establishment of these yards are indicated with so much force in the report of the Navy Board that in recommending it to your attention I deem it unnecessary to do more than express my hearty concurrence in their views. The yard in this District, being already furnished with most of the machinery necessary for

shipbuilding, will be competent to the supply of the two selected by the Board as the best for the concentration of materials, and, from the facility and certainty of communication between them, it will be useless to incur at those depots the expense of similar machinery, especially that used in preparing the usual metallic and wooden furniture of vessels.

Another improvement would be effected by dispensing altogether with the Navy Board as now constituted, and substituting in its stead bureaus similar to those already existing in the War Department. Each member of the Board, transferred to the head of a separate bureau charged with specific duties, would feel in its highest degree that wholesome responsibility which can not be divided without a far more than proportionate diminution of its force. Their valuable services would become still more so when separately appropriated to distinct portions of the great interests of the Navy, to the prosperity of which each would be impelled to devote himself by the strongest motives. Under such an arrangement every branch of this important service would assume a more simple and precise character, its efficiency would be increased, and scrupulous economy in the expenditure of public money promoted.

I would also recommend that the Marine Corps be merged in the artillery or infantry, as the best mode of curing the many defects in its organization. But little exceeding in number any of the regiments of infantry, that corps has, besides its lieutenant-colonel commandant, five brevet lieutenant-colonels, who receive the full pay and emoluments of their brevet rank, without rendering proportionate service. Details for marine service could as well be made from the artillery or infantry, there being no peculiar training requisite for it.

With these improvements, and such others as zealous watchfulness and mature consideration may suggest, there can be little doubt that under an energetic administration of its affairs the Navy may soon be made everything that the nation wishes it to be. Its efficiency in the suppression of piracy in the West India seas, and wherever its squadrons have been employed in securing the interests of the country, will appear from the report of the Secretary, to which I refer you for other interesting details. Among these I would bespeak the attention of Congress for the views presented in relation to the inequality between the Army and Navy as to the pay of officers. No such inequality should prevail between these brave defenders of their country, and where it does exist it is submitted to Congress whether it ought not to be rectified.

The report of the Postmaster-General is referred to as exhibiting a highly satisfactory administration of that Department. Abuses have been reformed, increased expedition in the transportation of the mail secured, and its revenue much improved. In a political point of view this Department is chiefly important as affording the means of diffusing knowledge. It is to the body politic what the veins and arteries are to the natural—conveying rapidly and regularly to the remotest parts of

the system correct information of the operations of the Government, and bringing back to it the wishes and feelings of the people. Through its agency we have secured to ourselves the full enjoyment of the blessings of a free press.

In this general survey of our affairs a subject of high importance presents itself in the present organization of the judiciary. An uniform operation of the Federal Government in the different States is certainly desirable, and existing as they do in the Union on the basis of perfect equality, each State has a right to expect that the benefits conferred on the citizens of others should be extended to hers. The judicial system of the United States exists in all its efficiency in only fifteen members of the Union; to three others the circuit courts, which constitute an important part of that system, have been imperfectly extended, and to the remaining six altogether denied. The effect has been to withhold from the inhabitants of the latter the advantages afforded (by the Supreme Court) to their fellow-citizens in other States in the whole extent of the criminal and much of the civil authority of the Federal judiciary. That this state of things ought to be remedied, if it can be done consistently with the public welfare, is not to be doubted. Neither is it to be disguised that the organization of our judicial system is at once a difficult and delicate task. To extend the circuit courts equally throughout the different parts of the Union, and at the same time to avoid such a multiplication of members as would encumber the supreme appellate tribunal, is the object desired. Perhaps it might be accomplished by dividing the circuit judges into two classes, and providing that the Supreme Court should be held by these classes alternately, the Chief Justice always presiding.

If an extension of the circuit-court system to those States which do not now enjoy its benefits should be determined upon, it would of course be necessary to revise the present arrangement of the circuits; and even if that system should not be enlarged, such a revision is recommended.

A provision for taking the census of the people of the United States will, to insure the completion of that work within a convenient time, claim the early attention of Congress.

The great and constant increase of business in the Department of State forced itself at an early period upon the attention of the Executive. Thirteen years ago it was, in Mr. Madison's last message to Congress, made the subject of an earnest recommendation, which has been repeated by both of his successors; and my comparatively limited experience has satisfied me of its justness. It has arisen from many causes, not the least of which is the large addition that has been made to the family of independent nations and the proportionate extension of our foreign relations. The remedy proposed was the establishment of a home department—a measure which does not appear to have met the views of Congress on account of its supposed tendency to increase, gradually and imperceptibly, the already too strong bias of the federal system

toward the exercise of authority not delegated to it. I am not, therefore, disposed to revive the recommendation, but am not the less impressed with the importance of so organizing that Department that its Secretary may devote more of his time to our foreign relations. Clearly satisfied that the public good would be promoted by some suitable provision on the subject, I respectfully invite your attention to it.

The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles and such deep pecuniary interests, I feel that I can not, in justice to the parties interested, too soon present it to the deliberate consideration of the Legislature and the people. Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow-citizens, and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency.

Under these circumstances, if such an institution is deemed essential to the fiscal operations of the Government, I submit to the wisdom of the Legislature whether a national one, founded upon the credit of the Government and its revenues, might not be devised which would avoid all constitutional difficulties and at the same time secure all the advantages to the Government and country that were expected to result from the present bank.

I can not close this communication without bringing to your view the just claim of the representatives of Commodore Decatur, his officers and crew, arising from the recapture of the frigate *Philadelphia* under the heavy batteries of Tripoli. Although sensible, as a general rule, of the impropriety of Executive interference under a Government like ours, where every individual enjoys the right of directly petitioning Congress, yet, viewing this case as one of very peculiar character, I deem it my duty to recommend it to your favorable consideration. Besides the justice of this claim, as corresponding to those which have been since recognized and satisfied, it is the fruit of a deed of patriotic and chivalrous daring which infused life and confidence into our infant Navy and contributed as much as any exploit in its history to elevate our national character. Public gratitude, therefore, stamps her seal upon it, and the meed should not be withheld which may hereafter operate as a stimulus to our gallant tars.

I now commend you, fellow-citizens, to the guidance of Almighty God, with a full reliance on His merciful providence for the maintenance of our free institutions, and with an earnest supplication that whatever errors it may be my lot to commit in discharging the arduous duties which have devolved on me will find a remedy in the harmony and wisdom of your counsels.

ANDREW JACKSON.

DECEMBER 8, 1829.

SPECIAL MESSAGES.

DECEMBER 14, 1829.

THE VICE-PRESIDENT OF THE UNITED STATES AND PRESIDENT OF THE SENATE:

In pursuance of the resolution of the Senate of the 2d March, 1829, requesting the President of the United States to communicate to it "copies of the journal of the commissioners under the first article of the treaty of Ghent for the months of October and November, 1817, or so much thereof as in his opinion may be safely communicated, not including the agreement or evidence offered by the agents," I have the honor herewith to transmit a report from the Secretary of State, accompanying the document referred to in said resolution.

ANDREW JACKSON.

WASHINGTON, *December 14, 1829.*

THE VICE-PRESIDENT OF THE UNITED STATES AND PRESIDENT OF THE SENATE:

I transmit to the Senate, for their advice and consent as to the ratification of it, a treaty of commerce and navigation between the United States of America and His Majesty the Emperor of Austria, concluded and signed in this city on the 2d of August in the present year.

ANDREW JACKSON.

DECEMBER 15, 1829.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

A deputation from the Passamaquoddy Indians resident within the limits of Maine have arrived in this city and presented a memorial soliciting the aid of the Government in providing them the means of support. Recollecting that this tribe when strong and numerous fought with us for the liberty which we now enjoy, I could not refuse to present to the consideration of Congress their supplication for a small portion of the bark and timber of the country which once belonged to them.

It is represented that from individuals who own the lands adjoining the present small possession of this tribe purchases can be made sufficiently extensive to secure the objects of the memorial in this respect, as will appear from the papers herewith transmitted. Should Congress deem it proper to make them, it will be necessary to provide for their being held in trust for the use of the tribe during its existence as such.

ANDREW JACKSON.

DECEMBER 16, 1829.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I have the honor to transmit herewith to the House of Representatives a report of the Secretary of War, accompanying copies of surveys* made in pursuance of the acts of Congress passed the 30th of April, 1824, and the 2d of March, 1829, and to request that the House cause them to be laid before the Senate, as there are no duplicates prepared.

ANDREW JACKSON.

DECEMBER 22, 1829.

To the Senate of the United States:

I herewith transmit two treaties—one concluded with the Winnebago tribe of Indians at Prairie du Chien on the 1st of August, 1829, and the other with the Chippewa, Ottawa, and Pottawattamie tribes at the same place on the 29th of July, 1829—which, with the documents explanatory thereof, are submitted to the Senate for consideration whether they will advise and consent to their ratification.

ANDREW JACKSON.

DECEMBER 29, 1829.

To the Senate of the United States:

I transmit herewith a treaty concluded with the Delaware tribe of Indians on the 3d of August, 1829, which, with the documents explanatory thereof, is submitted to the consideration of the Senate for their advice and consent as to the ratification of the same.

ANDREW JACKSON.

DECEMBER 30, 1829.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit herewith to the House the report and estimate of the survey made in pursuance of the act of the 30th April, 1824, in order to ascertain the practicability of connecting the waters of the Altamaha and Tennessee rivers by a canal and railroad, and request, as there is no duplicate of the same prepared, that the House will cause it to be laid before the Senate.

ANDREW JACKSON.

JANUARY 4, 1830.

To the Senate of the United States:

I have been requested by the legislature of South Carolina, as will appear from the documents accompanying this communication, to sub-

*Of Deep Creek, Virginia; Pasquotank River, North Carolina; entrance of the river Teche, Louisiana; passes at mouth of the Mississippi, Louisiana; water tract between Lake Pontchartrain and Mobile Bay; Des Moines and Rock River rapids in the Mississippi; with a view to the location of a railroad from Charleston to Hamburg, S. C.

mit to the consideration of Congress certain claims against the United States for advances made by that State during the last war. It is conceded that the redress sought for can only be obtained through the interposition of Congress. The only agency allowed to me is to present such facts in relation to the subject as are in the possession of the Executive, in order that the whole may be fairly considered.

This duty I perform with great pleasure, being well satisfied that no inducement will be wanting to secure to the claims of a member of the Confederacy that has under all circumstances shewn an ardent devotion to the cause of the country the most ample justice.

By a reference to the Department of War for information as to the nature and extent of these claims it appears that they consist of—

First. Interest upon moneys advanced for the United States which have been heretofore reimbursed.

Second. Certain advances which on a settlement of accounts between South Carolina and the United States were disallowed or suspended by the accounting officers of the Treasury.

In regard to the former, the rule hitherto adopted by Congress has been to allow to the States interest only where they had paid it on money borrowed, and had applied it to the use of the United States. The case of South Carolina does not come strictly within this rule, because instead of borrowing, as she alleges, for the use of the United States, upon interest, she applied to the use of the United States funds for which she was actually receiving an interest; and she is understood to insist that the loss of interest in both cases being equal, and the relief afforded equally meritorious, the same principle of remuneration should be applied.

Acting upon an enlightened sense of national justice and gratitude, it is confidently believed that Congress will be as mindful of this claim as it has been of others put forward by the States that in periods of extreme peril generously contributed to the service of the Union and enabled the General Government to discharge its obligations. The grounds upon which certain portions of it have been suspended or rejected will appear from the communications of the Secretary of War and Third Auditor herewith submitted.

ANDREW JACKSON.

JANUARY 4, 1830.

To the Senate of the United States:

I transmit herewith a supplement to the treaty made with the Delaware tribe on the 3d of October, 1818, which, with the accompanying papers, is submitted to the Senate for their advice and consent as to the ratification of the same.

ANDREW JACKSON.

JANUARY 5, 1830.

To the House of Representatives:

The subject of the inclosed memorial* having been adjudicated by the courts of the country, and decided against the memorialists, it is respectfully laid before Congress, the only power now to which they can appeal for relief.

ANDREW JACKSON.

JANUARY 5, 1830.

To the Senate of the United States:

I submit herewith a report† from the Secretary of the Treasury, giving the information called for by a resolution of the Senate of the 24th December, 1828.

ANDREW JACKSON.

WASHINGTON, *January 14, 1830.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of three Indian treaties, which have been duly ratified:

1. A treaty with the nation of Winnebago Indians, concluded on the 1st of August, 1829, at Prairie du Chien, in the Territory of Michigan, between General John McNeil, Colonel Pierre Menard, and Caleb Atwater, esq., commissioners on the part of the United States, and certain chiefs and warriors on the part of the nation of Winnebago Indians.

2. A treaty with the united nations of Chippewa, Ottowa, and Pottawatomie Indians, concluded on the 29th of July, 1829, at Prairie du Chien, between General John McNeil, Colonel Pierre Menard, and Caleb Atwater, esq., commissioners on the part of the United States, and certain chiefs and warriors of the said united nations on the part of said nations.

3. Articles of agreement between the United States of America and the band of Delaware Indians upon the Sandusky River, in the State of Ohio, entered into on the 3d of August, 1829, at Little Sandusky, in the State of Ohio, by John McElvain, commissioner on the part of the United States, and certain chiefs on the part of said band of Delaware Indians.

I transmit also the estimates of appropriation necessary to carry them into effect.

ANDREW JACKSON.

JANUARY 19, 1830.

To the Senate and House of Representatives.

GENTLEMEN: The accompanying gold medal, commemorative of the delivery of the Liberator President of the Republic of Colombia from the daggers of assassins on the night of the 25th of September last, has

* Of certain purchasers of land in Louisiana from the Government of Spain.

† Transmitting statements of moneys appropriated and lands granted to the several States for purposes of education and construction of roads and canals, etc., since the adoption of the Constitution.

been offered for my acceptance by that Government. The respect which I entertain as well for the character of the Liberator President as for the people and Government over which he presides renders this mark of their regard most gratifying to my feelings; but I am prevented from complying with their wishes by the provision of our Constitution forbidding the acceptance of presents from a foreign state by officers of the United States, and it is therefore placed at the disposal of Congress.

The powerful influence in the affairs of his country which the sacrifices and heroic deeds of General Bolivar have acquired for him creates an anxiety as to his future course in which the friends of liberal institutions throughout the world deeply participate. The favorable estimate which I have formed of the nature of the services rendered by him, and of his personal character, impresses me with the strongest confidence that his conduct in the present condition of his country will be such as may best promote her true interest and best secure his own permanent fame.

I deem the present a suitable occasion to inform you that shortly after my communication to Congress at the opening of the session dispatches were received from Mr. Moore, the envoy extraordinary and minister plenipotentiary of the United States to Colombia, stating that he had succeeded in obtaining the assent of the council of ministers to the allowance of the claims of our citizens upon that Government in the cases of the brig *Josephine* and her cargo and the schooner *Ranger* and part of her cargo. An official copy of the convention subsequently entered into between Mr. Moore and the secretary of foreign affairs, providing for the final settlement of those claims, has just been received at the Department of State. By an additional article of this convention the claim in the case of the brig *Morris* is suspended until further information is obtained by the Colombian Government from the Court at Carracas; and Mr. Moore anticipates its early and satisfactory adjustment. The convention only waited the ratification of the Liberator President, who was at the time absent from Bogota, to be binding upon the Colombian Government. Although these claims are not, comparatively, of a large amount, yet the prompt and equitable manner in which the application of Mr. Moore in behalf of our injured citizens was met by that Government entitles its conduct to our approbation, and promises well for the future relations of the two countries.

It gives me pleasure to add an expression of my entire satisfaction with the conduct of Mr. Moore since his arrival at Bogota. The judgment and discretion evinced by him on occasions of much interest and delicacy, the assiduity displayed in bringing so nearly to a conclusion within five weeks after his arrival claims which had been pending for years, and the promptitude and capacity with which he has entered upon other and more important portions of his official duty are calculated to inspire strong confidence in his future usefulness.

ANDREW JACKSON.

JANUARY 20, 1830.

To the Senate and House of Representatives.

GENTLEMEN: I respectfully submit to your consideration the accompanying communication from the Secretary of the Treasury, showing that according to the terms of an agreement between the United States and the United Society of Christian Indians the latter have a claim to an annuity of $400, commencing from the 1st of October, 1826, for which an appropriation by law for this amount, as long as they are entitled to receive it, will be proper.

ANDREW JACKSON.

WASHINGTON, *January 26, 1830.*

To the Senate and House of Representatives of the United States:

I submit to Congress a communication from the Secretary of State, together with the report of the Superintendent of the Patent Office, to which it refers, showing the present condition of that office and suggesting the necessity of further legislative provisions in regard to it, and I recommend the subjects it embraces to the particular attention of Congress.

It will be seen that there is an unexplained deficiency in the accounts which have been rendered at the Treasury of the fees received at the office, amounting to $4,290, and that precautions have been provided to guard against similar delinquencies in future. Congress will decide on their sufficiency and whether any legislative aid is necessary upon this branch of the subject referred to in the report.

ANDREW JACKSON.

JANUARY 26, 1830.

To the Senate and House of Representatives:

I find it necessary to recommend to Congress a revision of the laws relating to the direct and contingent expenses of our intercourse with foreign nations, and particularly of the act of May 1, 1810, entitled "An act fixing the compensation of public ministers and of consuls residing on the coast of Barbary, and for other purposes."

A letter from the Fifth Auditor of the Treasury to the Secretary of State, herewith transmitted, which notices the difficulties incident to the settlement of the accounts of certain diplomatic agents of the United States, serves to show the necessity of this revision. This branch of the Government is incessantly called upon to sanction allowances which not unfrequently appear to have just and equitable foundations in usage, but which are believed to be incompatible with the provisions of the act of 1810. The letter from the Fifth Auditor contains a description of several claims of this character, which are submitted to Congress as the

only tribunal competent to afford the relief to which the parties consider themselves entitled.

Among the most prominent questions of this description are the following:

I. Claims for outfits by ministers and chargés d'affaires duly appointed by the President and Senate.

The act of 1790, regulating the expenditures for foreign intercourse, provided "that, exclusive of an outfit, which shall in no case exceed one year's full salary to the minister plenipotentiary or chargé d'affaires to whom the same may be allowed, the President shall not allow to any minister plenipotentiary a greater sum than at the rate of $9,000 per annum as a compensation for all his personal services and other expenses, nor a greater sum for the same than $4,500 per annum to a chargé d'affaires." By this provision the maximum of allowance only was fixed, leaving the question as to any outfit, either in whole or in part, to the discretion of the President, to be decided according to circumstances. Under it a variety of cases occurred, in which outfits having been given to diplomatic agents on their first appointment, afterwards, upon their being transferred to other courts or sent upon special and distinct missions, full or half outfits were again allowed.

This act, it will be perceived, although it fixes the maximum of outfit, is altogether silent as to the circumstances under which outfits might be allowed; indeed, the authority to allow them at all is not expressly conveyed, but only incidentally adverted to in limiting the amount. This limitation continued to be the only restriction upon the Executive until 1810, the act of 1790 having been kept in force till that period by five successive reenactments, in which it is either referred to by means of its title or its terms are repeated verbatim. In 1810 an act passed wherein the phraseology which had been in use for twenty years is departed from. Fixing the same limits precisely to the *amount* of salaries and outfits to ministers and chargés as had been six times fixed since 1790, it differs from preceding acts by formally conveying an authority to allow an outfit to "a minister plenipotentiary or chargé d'affaires *on going from the United States to any foreign country;*" and, in addition to this specification of the circumstances under which the outfit may be allowed, it contains one of the conditions which shall be requisite to entitle a chargé or secretary to the compensation therein provided.

Upon a view of all the circumstances connected with the subject I can not permit myself to doubt that it was with reference to the practice of multiplying outfits to the same person and in the intention of prohibiting it in future that this act was passed.

It being, however, frequently deemed advantageous to transfer ministers already abroad from one court to another, or to employ those who were resident at a particular court upon special occasions elsewhere, it seems to have been considered that it was not the intention of Congress

to restrain the Executive from so doing. It was further contended that the President being left free to select for ministers citizens, whether at home or abroad, a right on the part of such ministers to the usual emoluments followed as a matter of course. This view was sustained by the opinion of the law officer of the Government, and the act of 1810 was construed to leave the whole subject of salary and outfit where it found it under the law of 1790; that is to say, completely at the discretion of the President, without any other restriction than the maximum already fixed by that law. This discretion has from time to time been exercised by successive Presidents; but whilst I can not but consider the restriction in this respect imposed by the act of 1810 as inexpedient, I can not feel myself justified in adopting a construction which defeats the only operation of which this part of it seems susceptible; at least, not unless Congress, after having the subject distinctly brought to their consideration, should virtually give their assent to that construction. Whatever may be thought of the propriety of giving an outfit to secretaries of legation or others who may be considered as only temporarily charged with the affairs intrusted to them, I am impressed with the justice of such an allowance in the case of a citizen who happens to be abroad when first appointed, and that of a minister already in place, when the public interest requires his transfer, and, from the breaking up of his establishment and other circumstances connected with the change, he incurs expenses to which he would not otherwise have been subjected.

II. Claims for outfits and salaries by chargés d'affaires and secretaries of legation who have not been appointed by the President by and with the advice and consent of the Senate.

By the second section of the act of 1810 it is provided—

> That to entitle any chargé d'affaires or secretary of any legation or embassy to any foreign country, or secretary of any minister plenipotentiary, to the compensation hereinbefore provided they shall respectively be appointed by the President of the United States, by and with the advice and consent of the Senate; but in the recess of the Senate the President is hereby authorized to make such appointments, which shall be submitted to the Senate at the next session thereafter for their advice and consent; and no compensation shall be allowed to any chargé d'affaires or any of the secretaries hereinbefore described who shall not be appointed as aforesaid.

Notwithstanding the explicit language of this act, claims for outfits and salaries have been made—and allowed at the Treasury—by chargés d'affaires and secretaries of legation who had not been appointed in the manner specified. Among the accompanying documents will be found several claims of this description, of which a detailed statement is given in the letter of the Fifth Auditor. The case of Mr. William B. Lawrence, late chargé d'affaires at London, is of a still more peculiar character, in consequence of his having actually drawn his outfit and salary from the bankers employed by the Government, and from the length of time he officiated in that capacity. Mr. Lawrence's accounts were

rendered to the late Administration, but not settled. I have refused to sanction the allowance claimed, because the law does not authorize it, but have refrained from directing any proceedings to compel a reimbursement of the money thus, in my judgment, illegally received until an opportunity should be afforded to Congress to pass upon the equity of the claim.

Appropriations are annually and necessarily made "for the contingent expenses of all the missions abroad" and "for the contingent expenses of foreign intercourse," and the expenditure of these funds intrusted to the discretion of the President. It is out of those appropriations that allowances of this character have been claimed, and, it is presumed, made. Deeming, however, that the discretion thus committed to the Executive does not extend to the allowance of charges prohibited by express law, I have felt it my duty to refer all existing claims to the action of Congress, and to submit to their consideration whether any alteration of the law in this respect is necessary.

III. The allowance of a quarter's salary to ministers and chargés d'affaires to defray their expenses home.

This allowance has been uniformly made, but is without authority by law. Resting in Executive discretion, it has, according to circumstances, been extended to cases where the ministers died abroad, to defray the return of his family, and was recently claimed in a case where the minister had no family, on grounds of general equity. A charge of this description can hardly be regarded as a contingent one, and if allowed at all must be in lieu of salary. As such it is altogether arbitrary, although it is not believed that the interests of the Treasury are, upon the whole, much affected by the substitution. In some cases the allowance is for a longer period than is occupied in the return of the minister; in others, for one somewhat less; and it seems to do away all inducement to unnecessary delay. The subject is, however, susceptible of positive regulation by law, and it is, on many accounts, highly expedient that it should be placed on that footing. I have therefore, without directing any alteration in the existing practice, felt it my duty to bring it to your notice.

IV. Traveling and other expenses in following the court in cases where its residence is not stationary.

The only legations by which expenses of this description are incurred and charged are those to Spain and the Netherlands, and to them they have on several occasions been allowed. Among the documents herewith communicated will be found, with other charges requiring legislative interference, an account for traveling expenses, with a statement of the grounds upon which their reimbursement is claimed. This account has been suspended by the officer of the Treasury to whom its settlement belongs; and as the question will be one of frequent recurrence, I have deemed the occasion a fit one to submit the whole subject to the revision of Congress. The justice of these charges for extraordinary expenses

unavoidably incurred has been admitted by former Administrations and the claims allowed. My difficulty grows out of the language of the act of 1810, which expressly declares that the salary and outfit it authorizes to the minister and chargé d'affaires shall be "a compensation for all his personal services and expenses." The items which ordinarily form the contingent expenses of a foreign mission are of a character distinct from the *personal* expenses of the minister. The difficulty of regarding those now referred to in that light is obvious. There are certainly strong considerations of equity in favor of a remuneration for them at the two Courts where they are alone incurred, and if such should be the opinion of Congress it is desirable that authority to make it should be expressly conferred by law rather than continue to rest upon doubtful construction.

V. Charges of consuls for discharging diplomatic functions, without appointment, during a temporary vacancy in the office of chargé d'affaires.

It has sometimes happened that consuls of the United States, upon the occurrence of vacancies at their places of residence in the diplomatic offices of the United States by the death or retirement of our minister or chargé d'affaires, have taken under their care the papers of such missions and usefully discharged diplomatic functions in behalf of their Government and fellow-citizens till the vacancies were regularly filled. In some instances this is stated to have been done to the abandonment of other pursuits and at a considerably increased expense of living. There are existing claims of this description, which can not be finally adjusted or allowed without the sanction of Congress. A particular statement of them accompanies this communication.

The nature of this branch of the public service makes it necessary to commit portions of the expenses incurred in it to Executive discretion; but it is desirable that such portions should be as small as possible. The purity and permanent success of our political institutions depend in a great measure upon definite appropriations and a rigid adherence to the enactments of the Legislature disposing of public money. My desire is to have the subject placed upon a more simple and precise, but not less liberal, footing than it stands on at present, so far as that may be found practicable. An opinion that the salaries allowed by law to our agents abroad are in many cases inadequate is very general, and it is reasonable to suppose that this impression has not been without its influence in the construction of the laws by which those salaries are fixed. There are certainly motives which it is difficult to resist to an increased expense on the part of some of our functionaries abroad greatly beyond that which would be required at home.

Should Congress be of opinion that any alteration for the better can be made, either in the rate of salaries now allowed or in the rank and gradation of our diplomatic agents, or both, the present would be a fit occasion for a revision of the whole subject.

ANDREW JACKSON.

To the Senate and House of Representatives of the United States.

GENTLEMEN: I transmit herewith the annual report of the inspectors of the penitentiary in the District of Columbia, and beg leave to recommend the propriety of providing by law a reasonable compensation for the service of those officers. The act of Congress under which they were commissioned, though it imposes upon them important duties, in the performance of which much time and labor are necessary, is silent as to the compensation which they ought to receive.

ANDREW JACKSON.

FEBRUARY 1, 1830.

FEBRUARY 5, 1830.

To the Senate of the United States:

I herewith communicate to the Senate a letter from the Secretary of War, with the papers which accompany it, in answer to the resolution of the Senate of the 2d February, requesting "so much of a report received from the officer of the United States Army who had command of the detachment for the protection of the caravan of traders to Santa Fe of New Mexico during the last summer as may be proper to be made public and material to be known, devising further means for the security of the inland trade between Missouri and Mexico."

ANDREW JACKSON.

FEBRUARY 12, 1830.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I forward to the House of Representatives, for the information and decision of Congress, a communication to me from the Secretary of War on the subject of the continuation of the Cumberland road.

There being but one plan of the surveys made produces the necessity of making this communication to but one branch of the Legislature. When the question shall be disposed of, I request that the map may be returned to the Secretary of War.

ANDREW JACKSON.

FEBRUARY 18, 1830.

To the House of Representatives:

In pursuance of a resolution of the House of Representatives of the 9th instant, requesting information respecting the accounts of William B. Lawrence as chargé d'affaires of the United States to Great Britain, I have the honor to communicate a report of the Secretary of State, furnishing the desired information.

ANDREW JACKSON.

FEBRUARY 20, 1830.

To the Senate of the United States.

GENTLEMEN: Having seen a report from the Treasury Department, just made to me, that General John Campbell, lately nominated Indian agent, stands recorded as a public defaulter on the books of the Treasury, and being unapprised of this fact when he was nominated to the Senate, I beg leave to withdraw this nomination.

ANDREW JACKSON.

MARCH 1, 1830.

To the Senate of the United States.

GENTLEMEN: In compliance with your resolution of the 4th ultimo, relating to the boundary line between the United States and the Cherokee Nation of Indians, I have duly examined the same, and find that the Executive has no power to alter or correct it.

I therefore return the papers, with a report from the Secretary of War on the subject, for the further deliberation of Congress.

ANDREW JACKSON.

WASHINGTON, *March 9, 1830.*

Gentlemen of the House of Representatives:

I submit to the consideration of Congress a letter of the governor of Virginia, transmitting two acts of the general assembly of that State, respecting the Chesapeake and Ohio Canal Company.

ANDREW JACKSON.

WASHINGTON, *March 9, 1830.*

Gentlemen of the House of Representatives:

I submit to your consideration the memorials of Francis H. Nicoll and John Conard, the latter marshal of the eastern district of Pennsylvania, praying for the interposition and aid of Congress in the discharge of a judgment recovered against him by the said Nicoll, alleging, as defendant in the suit, that he was the mere organ of the United States, and acted by and under the instructions of the Government.

ANDREW JACKSON.

MARCH 10, 1830.

To the Senate of the United States.

GENTLEMEN: In compliance with the resolution of the Senate of the 6th instant, requesting me to "send a copy of the bond entered into and executed by Israel T. Canfield as receiver of public moneys in the now Crawfordsville district, Indiana, together with the names of his

securities, to the Senate," I herewith transmit a certified copy of the official bond of Israel T. Canby, and a letter from the Secretary of the Treasury, from which it appears that this is the officer referred to in the resolution.

ANDREW JACKSON.

WASHINGTON, *March 15, 1830.*

To the House of Representatives of the United States:

In pursuance of a resolution of the House of Representatives of the 27th ultimo, calling for information respecting the report of the commissioner for running and marking the line between the United States and Florida under the treaty of 1795, I herewith communicate a report from the Secretary of State, containing the desired information.

ANDREW JACKSON.

MARCH 18, 1830.

To the House of Representatives:

GENTLEMEN: I transmit, for the consideration of Congress, a report from the War Department of a survey* authorized by the act of the 2d of March, 1829.

ANDREW JACKSON.

MARCH 27, 1830.

To the Senate and House of Representatives of the United States.

GENTLEMEN: I transmit, for the consideration of Congress, a letter of the Secretary of the Navy, accompanying the reports of Lieutenants Tattnall and Gedney, who were detailed to make a survey of the Dry Tortugas, and beg leave to call your attention to the importance of the position to the United States as a naval station. I also respectfully recommend that the appropriation necessary to make a scientific examination of its capacities for defense may be granted.

ANDREW JACKSON.

MARCH 31, 1830.

To the House of Representatives.

GENTLEMEN: I respectfully submit to your consideration the accompanying report from the War Department, exhibiting the state of the fortifications at Pea Patch Island and the necessity of further appropriations for the security of that site. The report specifies the improvements deemed proper, and the estimate of their cost.

ANDREW JACKSON.

*Of ship channel of Penobscot River from Whitehead to Bangor, Me.

APRIL 2, 1830.

To the House of Representatives.

GENTLEMEN: In compliance with a resolution of the House of the 22d ultimo, "requesting the President of the United States to communicate to it any correspondence or information in possession of the Government, and which, in his judgment, the public service will admit of being communicated, touching intrusions, or alleged intrusions, on lands the possession of which is claimed by the Cherokee tribe of Indians, the number of intrusions, if any, and the reasons why they have not been removed; and also any correspondence or information touching outrages alleged to have been committed by Cherokee Indians on citizens of Georgia occupying lands to which the Indian claim has not been extinguished, or by citizens of Georgia on Cherokee Indians," I transmit herewith a report from the Secretary of War, containing the information required.

ANDREW JACKSON.

APRIL 6, 1830.

To the Senate of the United States.

GENTLEMEN: In compliance with the resolution of the Senate of the 5th instant, requesting the President of the United States to transmit to the Senate any record or other information in the Department of War or before the President respecting the conviction of Wharton Rector of any crime in Missouri before his departure for Arkansas, or touching his fitness for the office to which he has been nominated, and any other evidence in the Department relative to the fitness of Wharton Rector for the office of Indian agent, I inclose herewith a report from the Secretary of War.

ANDREW JACKSON.

APRIL 13, 1830.

To the House of Representatives.

GENTLEMEN: I transmit herewith a report from the War Department, in compliance with the resolution of the House of the 18th ultimo, calling for information in relation to the expenses incident to the removal and support of the Indians west of the Mississippi, etc.

ANDREW JACKSON.

APRIL 15, 1830.

To the Senate of the United States.

GENTLEMEN: I submit to the Senate, in compliance with the request in their resolution of the 12th instant, all the communications found in the Department of State touching the character, conduct, and qualifications of John Hamm, which appear or are supposed to have been made while the said Hamm was an applicant for reappointment to the office of marshal of the district of Ohio, in the year 1822.

As that individual has been recently nominated to the Senate to be chargé d'affaires of the United States to the Government of Central America, I take advantage of the occasion to request the Senate to postpone a final decision on his nomination, upon the following grounds: That information, though not official, has just been received at the Department of State of a change having been lately effected in the Government of Central America, which, if confirmed, may make a correspondent change in the appointment necessary, or perhaps render it altogether unnecessary that this Government, under present circumstances, should send a diplomatic agent to that country at all.

ANDREW JACKSON.

APRIL 22, 1830.

To the House of Representatives.

GENTLEMEN: I transmit, for the consideration of Congress, a report from the War Department of a survey* authorized by the act of 2d March, 1829.

ANDREW JACKSON.

APRIL 23, 1830.

To the Senate of the United States.

GENTLEMEN: In compliance with the resolution of the Senate of the 20th instant, I transmit herewith a report† from the Secretary of War.

ANDREW JACKSON.

APRIL 23, 1830.

Gentlemen of the Senate and House of Representatives.

GENTLEMEN: I transmit herewith a report from the Department of War of the survey made of Sandy Bay, Massachusetts, in conformity to the act of 2d March, 1829.

ANDREW JACKSON.

MAY 1, 1830.

To the Senate of the United States.

GENTLEMEN: Finding from the inclosed letter from the Secretary of the Treasury that James C. Dickson, lately nominated to be receiver of public moneys at Mount Salus, Miss., is a defaulter, I beg leave to withdraw his nomination, and to nominate in his place Hiram G. Rennels.

ANDREW JACKSON.

*Of the harbor of St. Augustine, Fla.

†Transmitting correspondence of June, 1825, relative to treaties with the Osage and Kansas Indians.

MAY 6, 1830.

To the Senate of the United States.

GENTLEMEN: The accompanying propositions, in the form of a treaty, have been recently sent to me by special messenger from the Choctaw Nation of Indians, and since it was received a protest against it has been forwarded. Both evince a desire to cede to the United States all their country east of the Mississippi, and both are here submitted. These measures are the voluntary acts of the Indians themselves. The Government was not represented in the councils which adopted them, nor had it any previous intimation that such steps were in contemplation. The Indians convened of their own accord, settled and executed the propositions contained in the treaty presented to me, and agreed to be bound by them if within three months they should receive the approbation of the President and Senate. The other measure is equally their own.

It is certainly desirous, on various and very pressing accounts, as will appear from the accompanying documents, that some agreement should be concluded with the Indians by which an object so important as their removal beyond the territorial limits of the States may be effected. In settling the terms of such an agreement I am disposed to exercise the utmost liberality, and to concur in any which are consistent with the Constitution and not incompatible with the interests of the United States and their duties to the Indians. I can not, however, regard the terms proposed by the Choctaws to be in all respects of this character; but desirous of concluding an arrangement upon such as are, I have drawn up the accompanying amendments, which I propose to offer to the Choctaws if they meet the approbation of the Senate. The conditions which they offer are such as, in my judgment, will be most likely to be acceptable to both parties and are liable to the fewest objections. Not being tenacious, though, on the subject, I will most cheerfully adopt any modifications which on a frank interchange of opinions my constitutional advisers may suggest and which I shall be satisfied are reconcilable with my official duties.

With these views, I ask the opinion of the Senate upon the following questions:

Will the Senate advise the conclusion of a treaty with the Choctaw Nation according to the terms which they propose? Or will the Senate advise the conclusion of a treaty with that tribe as modified by the alterations suggested by me? If not, what further alteration or modification will the Senate propose?

I am fully aware that in thus resorting to the early practice of the Government, by asking the previous advice of the Senate in the discharge of this portion of my duties, I am departing from a long and for many years an unbroken usage in similar cases. But being satisfied that this resort is consistent with the provisions of the Constitution, that it is strongly recommended in this instance by considerations of expediency,

and that the reasons which have led to the observance of a different practice, though very cogent in negotiations with foreign nations, do not apply with equal force to those made with Indian tribes, I flatter myself that it will not meet the disapprobation of the Senate. Among the reasons for a previous expression of the views of the Senate the following are stated as most prominent:

1. The Indians have requested that their propositions should be submitted to the Senate.

2. The opinion of the Senate in relation to the terms to be proposed will have a salutary effect in a future negotiation, if one should be deemed proper.

3. The Choctaw is one of the most numerous and powerful tribes within our borders, and as the conclusion of a treaty with them may have a controlling effect upon other tribes it is important that its terms should be well considered. Those now proposed by the Choctaws, though objectionable, it is believed are susceptible of modifications which will leave them conformable to the humane and liberal policy which the Government desires to observe toward the Indian tribes, and be at the same time acceptable to them. To be possessed of the views of the Senate on this important and delicate branch of our future negotiations would enable the President to act much more effectively in the exercise of his particular functions. There is also the best reason to believe that measures in this respect emanating from the united counsel of the treaty-making power would be more satisfactory to the American people and to the Indians.

It will be seen that the pecuniary stipulations are large; and in bringing this subject to the consideration of the Senate I may be allowed to remark that the amount of money which may be secured to be paid should, in my judgment, be viewed as of minor importance. If a fund adequate to the object in view can be obtained from the lands which they cede, all the purposes of the Government should be regarded as answered. The great desideratum is the removal of the Indians and the settlement of the perplexing question involved in their present location—a question in which several of the States of this Union have the deepest interest, and which, if left undecided much longer, may eventuate in serious injury to the Indians.

ANDREW JACKSON.

MAY 13, 1830.

To the House of Representatives.

GENTLEMEN: The inclosed documents will present to Congress the necessity of some legislative provision by which to prevent the offenses to which they refer. At present it appears there is no law existing for the punishment of persons guilty of interrupting the public surveyors when engaged in the performance of the trusts confided to them. I

suggest, therefore, for your consideration the propriety of adopting some provision, with adequate penalties, to meet the case.

ANDREW JACKSON.

To the House of Representatives. MAY 13, 1830.

GENTLEMEN: I have the honor, in compliance with a resolution of your House of the 10th ultimo, to transmit the inclosed documents, which furnish all the information of the steps that have been taken and plans procured for the erection of a radiating marine railway for the repair of sloops of war at the navy-yard at Pensacola.

ANDREW JACKSON.

MAY 14, 1830.

To the Senate and House of Representatives of the United States.

GENTLEMEN: I herewith transmit to Congress the report of the engineer employed to survey the bar at the mouth of Sag Harbor, to ascertain the best method of preventing the harbor being filled up with sand, and the cost of the same, authorized by the act of the 2d of March, 1829.

ANDREW JACKSON.

To the Senate of the United States. MAY 21, 1830.

GENTLEMEN: It having been represented to me that some of the members of the Senate voted against the confirmation of the appointment of Major M. M. Noah as surveyor of the port of New York through misapprehension, and having received the accompanying letter and memorial from a number of the most respectable merchants and citizens of that city, setting forth his fitness for the office, I therefore renominate him to the Senate as surveyor of the customs for the port of New York.

ANDREW JACKSON.

To the House of Representatives. MAY 25, 1830.

GENTLEMEN: I transmit herewith, for the use of the House, the report of a survey* made in compliance with the act of the 2d of March, 1829.

ANDREW JACKSON.

WASHINGTON, *May 26, 1830.*

To the Senate and House of Representatives of the United States.

GENTLEMEN: I think it my duty to inform you that I am daily expecting the definitive answer of the British Government to a proposition which has been submitted to it by this, upon the subject of the colonial trade.

* Of the harbors of Stamford and Norwalk, Conn.

This communication has been delayed by a confident belief that the answer referred to would have been received early enough to have admitted of its submission to you in sufficient season for the final action of Congress at its present session, and is now induced by an apprehension that although the packet by which it was intended to be sent is hourly expected, its arrival may, nevertheless, be delayed until after your adjournment.

Should this branch of the negotiation committed to our minister be successful, the present interdict would, nevertheless, be necessarily continued until the next session of Congress, as the President has in no event authority to remove it.

Although no decision had been made at the date of our last advices from Mr. McLane, yet from the general character of the interviews between him and those of His Majesty's ministers whose particular duty it was to confer with him on the subject there is sufficient reason to expect a favorable result to justify me in submitting to you the propriety of providing for a decision in the recess.

This may be done by authorizing the President, in case an arrangement can be effected upon such terms as Congress would approve, to carry the same into effect on our part by proclamation, or, if it should be thought advisable, to execute the views of Congress by like means in the event of an unfavorable decision.

Any information in the possession of the Executive which you may deem necessary to guide your deliberations, and which it may, under existing circumstances, be proper to communicate, shall be promptly laid before you, if required.

ANDREW JACKSON.

WASHINGTON, *May 27, 1830.*

To the Senate of the United States:

It is gratifying to me to be able to communicate to the Senate before the termination of its present session, for its advice and consent as to the ratification of it, a convention just received at the Department of State between the United States and His Majesty the King of Denmark, which was negotiated on the part of the former by Mr. Henry Wheaton, their chargé d'affaires at the Court of Denmark, and on that of the latter by the Sieurs Henry Count de Schemmelman, his minister of foreign affairs, and Paul Christian de Stemann, president of his chancery, and concluded and signed by these plenipotentiaries at Copenhagen on the 28th of March of the present year.

The convention provides by compromise for the adjustment and payment of indemnities to no inconsiderable amount, long sought from the Government of Denmark by that of the United States, in behalf of their citizens who had preferred claims for the same, relating to the seizure, detention, and condemnation or confiscation of their vessels, cargoes,

or property by the public armed ships or by the tribunals of Denmark or in the states subject to the Danish scepter; and there is every reason to believe, as the Senate will infer from the correspondence which accompanies this communication, that the proposed arrangement will prove entirely satisfactory to them.

ANDREW JACKSON.

MAY 28, 1830.

To the Senate of the United States.

GENTLEMEN: For the reasons expressed in the inclosed note, I renominate Wharton Rector to be agent for the Shawnee and Delaware Indians.

ANDREW JACKSON.

The PRESIDENT OF THE UNITED STATES.

SIR: The rejection of Colonel Rector by the Senate took place in the absence of Mr. McLean and myself. We were both confined to our rooms by illness. Had we been present his nomination would have been confirmed. I believe that if he were again placed before the Senate his nomination would be confirmed, and should therefore be pleased if he could be again nominated.

I have the honor to be, your obedient servant,

J. ROWAN.

MAY 29, 1830.

To the House of Representatives.

GENTLEMEN: Having approved and signed a resolution, originating in the House of Representatives, which provides "that the pay, subsistence, emoluments, and allowances received by the officers of the Marine Corps previous to the 1st of April, 1829, be, and the same is hereby, directed to be continued to them from that date up to the 28th of February, 1831," it becomes my duty to call the attention of Congress to the fact that the estimates for that branch of the public service submitted to them at the commencement of the present session were made with reference to the pay, subsistence, emoluments, and allowances provided for by law, and excluding those which previously to the 1st of April, 1829, had been made on the authority of the Department alone, and to suggest the propriety of an appropriation to meet the increased expenditure.

ANDREW JACKSON.

WASHINGTON, *May 29, 1830.*

To the Senate of the United States:

I submit herewith a report* from the Secretary of the Treasury, giving the information called for by a resolution of the Senate of the 3d of March, 1829.

ANDREW JACKSON.

*Transmitting statements of lands appropriated by Congress for specific objects within the several States, etc.; disbursements made within the several States and Territories from the commencement of the Government to December 31, 1828; value of exports from the commencement of the Government to September 30, 1828.

MAY 30, 1830.

To the Senate and House of Representatives of the United States.

GENTLEMEN: I have approved and signed the bill entitled "An act making appropriations for examinations and surveys, and also for certain works of internal improvement," but as the phraseology of the section which appropriates the sum of $8,000 for the road from Detroit to Chicago may be construed to authorize the application of the appropriation for the continuance of the road beyond the limits of the Territory of Michigan, I desire to be understood as having approved this bill with the understanding that the road authorized by this section is not to be extended beyond the limits of the said Territory.

ANDREW JACKSON.

VETO MESSAGES.

MAY 27, 1830.

To the House of Representatives.

GENTLEMEN: I have maturely considered the bill proposing to authorize "a subscription of stock in the Maysville, Washington, Paris, and Lexington Turnpike Road Company," and now return the same to the House of Representatives, in which it originated, with my objections to its passage.

Sincerely friendly to the improvement of our country by means of roads and canals, I regret that any difference of opinion in the mode of contributing to it should exist between us; and if in stating this difference I go beyond what the occasion may be deemed to call for, I hope to find an apology in the great importance of the subject, an unfeigned respect for the high source from which this branch of it has emanated, and an anxious wish to be correctly understood by my constituents in the discharge of all my duties. Diversity of sentiment among public functionaries actuated by the same general motives, on the character and tendency of particular measures, is an incident common to all Governments, and the more to be expected in one which, like ours, owes its existence to the freedom of opinion, and must be upheld by the same influence. Controlled as we thus are by a higher tribunal, before which our respective acts will be canvassed with the indulgence due to the imperfections of our nature, and with that intelligence and unbiased judgment which are the true correctives of error, all that our responsibility demands is that the public good should be the measure of our views, dictating alike their frank expression and honest maintenance.

In the message which was presented to Congress at the opening of its present session I endeavored to exhibit briefly my views upon the

important and highly interesting subject to which our attention is now to be directed. I was desirous of presenting to the representatives of the several States in Congress assembled the inquiry whether some mode could not be devised which would reconcile the diversity of opinion concerning the powers of this Government over the subject of internal improvement, and the manner in which these powers, if conferred by the Constitution, ought to be exercised. The act which I am called upon to consider has, therefore, been passed with a knowledge of my views on this question, as these are expressed in the message referred to. In that document the following suggestions will be found:

> After the extinction of the public debt it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union will until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several States. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has by many of our fellow-citizens been deprecated as an infraction of the Constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

And adverting to the constitutional power of Congress to make what I considered a proper disposition of the surplus revenue, I subjoined the following remarks:

> To avoid these evils it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States according to their ratio of representation, and should this measure not be found warranted by the Constitution that it would be expedient to propose to the States an amendment authorizing it.

The constitutional power of the Federal Government to construct or promote works of internal improvement presents itself in two points of view—the first as bearing upon the sovereignty of the States within whose limits their execution is contemplated, if jurisdiction of the territory which they may occupy be claimed as necessary to their preservation and use; the second as asserting the simple right to appropriate money from the National Treasury in aid of such works when undertaken by State authority, surrendering the claim of jurisdiction. In the first view the question of power is an open one, and can be decided without the embarrassments attending the other, arising from the practice of

the Government. Although frequently and strenuously attempted, the power to this extent has never been exercised by the Government in a single instance. It does not, in my opinion, possess it; and no bill, therefore, which admits it can receive my official sanction.

But in the other view of the power the question is differently situated. The ground taken at an early period of the Government was "that whenever money has been raised by the general authority and is to be applied to a particular measure, a question arises whether the particular measure be within the enumerated authorities vested in Congress. If it be, the money requisite for it may be applied to it; if not, no such application can be made." The document in which this principle was first advanced is of deservedly high authority, and should be held in grateful remembrance for its immediate agency in rescuing the country from much existing abuse and for its conservative effect upon some of the most valuable principles of the Constitution. The symmetry and purity of the Government would doubtless have been better preserved if this restriction of the power of appropriation could have been maintained without weakening its ability to fulfill the general objects of its institution, an effect so likely to attend its admission, notwithstanding its apparent fitness, that every subsequent Administration of the Government, embracing a period of thirty out of the forty-two years of its existence, has adopted a more enlarged construction of the power. It is not my purpose to detain you by a minute recital of the acts which sustain this assertion, but it is proper that I should notice some of the most prominent in order that the reflections which they suggest to my mind may be better understood.

In the Administration of Mr. Jefferson we have two examples of the exercise of the right of appropriation, which in the considerations that led to their adoption and in their effects upon the public mind have had a greater agency in marking the character of the power than any subsequent events. I allude to the payment of $15,000,000 for the purchase of Louisiana and to the original appropriation for the construction of the Cumberland road, the latter act deriving much weight from the acquiescence and approbation of three of the most powerful of the original members of the Confederacy, expressed through their respective legislatures. Although the circumstances of the latter case may be such as to deprive so much of it as relates to the actual construction of the road of the force of an obligatory exposition of the Constitution, it must, nevertheless, be admitted that so far as the mere appropriation of money is concerned they present the principle in its most imposing aspect. No less than twenty-three different laws have been passed, through all the forms of the Constitution, appropriating upward of $2,500,000 out of the National Treasury in support of that improvement, with the approbation of every President of the United States, including my predecessor, since its commencement.

Independently of the sanction given to appropriations for the Cumberland and other roads and objects under this power, the Administration of Mr. Madison was characterized by an act which furnishes the strongest evidence of his opinion of its extent. A bill was passed through both Houses of Congress and presented for his approval, "setting apart and pledging certain funds for constructing roads and canals and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce among the several States and to render more easy and less expensive the means and provisions for the common defense." Regarding the bill as asserting a power in the Federal Government to construct roads and canals within the limits of the States in which they were made, he objected to its passage on the ground of its unconstitutionality, declaring that the assent of the respective States in the mode provided by the bill could not confer the power in question; that the only cases in which the consent and cession of particular States can extend the power of Congress are those specified and provided for in the Constitution, and superadding to these avowals his opinion that "a restriction of the power 'to provide for the common defense and general welfare' to cases which are to be provided for by the expenditure of money would still leave within the legislative power of Congress all the great and most important measures of Government, money being the ordinary and necessary means of carrying them into execution." I have not been able to consider these declarations in any other point of view than as a concession that the right of appropriation is not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

The views of Mr. Monroe upon this subject were not left to inference. During his Administration a bill was passed through both Houses of Congress conferring the jurisdiction and prescribing the mode by which the Federal Government should exercise it in the case of the Cumberland road. He returned it with objections to its passage, and in assigning them took occasion to say that in the early stages of the Government he had inclined to the construction that it had no right to expend money except in the performance of acts authorized by the other specific grants of power, according to a strict construction of them, but that on further reflection and observation his mind had undergone a change; that his opinion then was "that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense, and of general, not local, national, not State, benefit;" and this was avowed to be the governing principle through the residue of his Administration. The views of the last Administration are of such recent date as to render a particular reference to them unnecessary. It is well known that the appropriating power, to the utmost extent which had been claimed for it, in relation to internal improvements was fully recognized and exercised by it.

This brief reference to known facts will be sufficient to show the difficulty, if not impracticability, of bringing back the operations of the Government to the construction of the Constitution set up in 1798, assuming that to be its true reading in relation to the power under consideration, thus giving an admonitory proof of the force of implication and the necessity of guarding the Constitution with sleepless vigilance against the authority of precedents which have not the sanction of its most plainly defined powers; for although it is the duty of all to look to that sacred instrument instead of the statute book, to répudiate at all times encroachments upon its spirit, which are too apt to be effected by the conjuncture of peculiar and facilitating circumstances, it is not less true that the public good and the nature of our political institutions require that individual differences should yield to a well-settled acquiescence of the people and confederated authorities in particular constructions of the Constitution on doubtful points. Not to concede this much to the spirit of our institutions would impair their stability and defeat the objects of the Constitution itself.

The bill before me does not call for a more definite opinion upon the particular circumstances which will warrant appropriations of money by Congress to aid works of internal improvement, for although the extension of the power to apply money beyond that of carrying into effect the object for which it is appropriated has, as we have seen, been long claimed and exercised by the Federal Government, yet such grants have always been professedly under the control of the general principle that the works which might be thus aided should be "of a general, not local, national, not State," character. A disregard of this distinction would of necessity lead to the subversion of the federal system. That even this is an unsafe one, arbitrary in its nature, and liable, consequently, to great abuses, is too obvious to require the confirmation of experience. It is, however, sufficiently definite and imperative to my mind to forbid my approbation of any bill having the character of the one under consideration. I have given to its provisions all the reflection demanded by a just regard for the interests of those of our fellow-citizens who have desired its passage, and by the respect which is due to a coordinate branch of the Government, but I am not able to view it in any other light than as a measure of purely local character; or, if it can be considered national, that no further distinction between the appropriate duties of the General and State Governments need be attempted, for there can be no local interest that may not with equal propriety be denominated national. It has no connection with any established system of improvements; is exclusively within the limits of a State, starting at a point on the Ohio River and running out 60 miles to an interior town, and even as far as the State is interested conferring partial instead of general advantages.

Considering the magnitude and importance of the power, and the embarrassments to which, from the very nature of the thing, its exercise

must necessarily be subjected, the real friends of internal improvement ought not to be willing to confide it to accident and chance. What is properly *national* in its character or otherwise is an inquiry which is often extremely difficult of solution. The appropriations of one year for an object which is considered national may be rendered nugatory by the refusal of a succeeding Congress to continue the work on the ground that it is local. No aid can be derived from the intervention of corporations. The question regards the character of the work, not that of those by whom it is to be accomplished. Notwithstanding the union of the Government with the corporation by whose immediate agency any work of internal improvement is carried on, the inquiry will still remain, Is it national and conducive to the benefit of the whole, or local and operating only to the advantage of a portion of the Union?

But although I might not feel it to be my official duty to interpose the Executive veto to the passage of a bill appropriating money for the construction of such works as are authorized by the States and are national in their character, I do not wish to be understood as expressing an opinion that it is expedient at this time for the General Government to embark in a system of this kind; and anxious that my constituents should be possessed of my views on this as well as on all other subjects which they have committed to my discretion, I shall state them frankly and briefly. Besides many minor considerations, there are two prominent views of the subject which have made a deep impression upon my mind, which, I think, are well entitled to your serious attention, and will, I hope, be maturely weighed by the people.

From the official communication submitted to you it appears that if no adverse and unforeseen contingency happens in our foreign relations and no unusual diversion be made of the funds set apart for the payment of the national debt we may look with confidence to its entire extinguishment in the short period of four years. The extent to which this pleasing anticipation is dependent upon the policy which may be pursued in relation to measures of the character of the one now under consideration must be obvious to all, and equally so that the events of the present session are well calculated to awaken public solicitude upon the subject. By the statement from the Treasury Department and those from the clerks of the Senate and House of Representatives, herewith submitted, it appears that the bills which have passed into laws, and those which in all probability will pass before the adjournment of Congress, anticipate appropriations which, with the ordinary expenditures for the support of Government, will exceed considerably the amount in the Treasury for the year 1830. Thus, whilst we are diminishing the revenue by a reduction of the duties on tea, coffee, and cocoa the appropriations for internal improvement are increasing beyond the available means of the Treasury. And if to this calculation be added the amounts contained in bills which are pending before the two Houses, it may be

safely affirmed that $10,000,000 would not make up the excess over the Treasury receipts, unless the payment of the national debt be postponed and the means now pledged to that object applied to those enumerated in these bills. Without a well-regulated system of internal improvement this exhausting mode of appropriation is not likely to be avoided, and the plain consequence must be either a continuance of the national debt or a resort to additional taxes.

Although many of the States, with a laudable zeal and under the influence of an enlightened policy, are successfully applying their separate efforts to works of this character, the desire to enlist the aid of the General Government in the construction of such as from their nature ought to devolve upon it, and to which the means of the individual States are inadequate, is both rational and patriotic, and if that desire is not gratified now it does not follow that it never will be. The general intelligence and public spirit of the American people furnish a sure guaranty that at the proper time this policy will be made to prevail under circumstances more auspicious to its successful prosecution than those which now exist. But great as this object undoubtedly is, it is not the only one which demands the fostering care of the Government. The preservation and success of the republican principle rest with us. To elevate its character and extend its influence rank among our most important duties, and the best means to accomplish this desirable end are those which will rivet the attachment of our citizens to the Government of their choice by the comparative lightness of their public burthens and by the attraction which the superior success of its operations will present to the admiration and respect of the world. Through the favor of an overruling and indulgent Providence our country is blessed with general prosperity and our citizens exempted from the pressure of taxation, which other less favored portions of the human family are obliged to bear; yet it is true that many of the taxes collected from our citizens through the medium of imposts have for a considerable period been onerous. In many particulars these taxes have borne severely upon the laboring and less prosperous classes of the community, being imposed on the necessaries of life, and this, too, in cases where the burthen was not relieved by the consciousness that it would ultimately contribute to make us independent of foreign nations for articles of prime necessity by the encouragement of their growth and manufacture at home. They have been cheerfully borne because they were thought to be necessary to the support of Government and the payment of the debts unavoidably incurred in the acquisition and maintenance of our national rights and liberties. But have we a right to calculate on the same cheerful acquiescence when it is known that the necessity for their continuance would cease were it not for irregular, improvident, and unequal appropriations of the public funds? Will not the people demand, as they have a right to do, such a prudent system of expenditure as will pay the debts of the Union and authorize the

reduction of every tax to as low a point as the wise observance of the necessity to protect that portion of our manufactures and labor whose prosperity is essential to our national safety and independence will allow? When the national debt is paid, the duties upon those articles which we do not raise may be repealed with safety, and still leave, I trust, without oppression to any section of the country, an accumulating surplus fund, which may be beneficially applied to some well-digested system of improvement.

Under this view the question as to the manner in which the Federal Government can or ought to embark in the construction of roads and canals, and the extent to which it may impose burthens on the people for these purposes, may be presented on its own merits, free of all disguise and of every embarrassment, except such as may arise from the Constitution itself. Assuming these suggestions to be correct, will not our constituents require the observance of a course by which they can be effected? Ought they not to require it? With the best disposition to aid, as far as I can conscientiously, in furtherance of works of internal improvement, my opinion is that the soundest views of national policy at this time point to such a course. Besides the avoidance of an evil influence upon the local concerns of the country, how solid is the advantage which the Government will reap from it in the elevation of its character! How gratifying the effect of presenting to the world the sublime spectacle of a Republic of more than 12,000,000 happy people, in the fifty-fourth year of her existence, after having passed through two protracted wars—the one for the acquisition and the other for the maintenance of liberty—free from debt and with all her immense resources unfettered! What a salutary influence would not such an exhibition exercise upon the cause of liberal principles and free government throughout the world! Would we not ourselves find in its effect an additional guaranty that our political institutions will be transmitted to the most remote posterity without decay? A course of policy destined to witness events like these can not be benefited by a legislation which tolerates a scramble for appropriations that have no relation to any general system of improvement, and whose good effects must of necessity be very limited. In the best view of these appropriations, the abuses to which they lead far exceed the good which they are capable of promoting. They may be resorted to as artful expedients to shift upon the Government the losses of unsuccessful private speculation, and thus, by ministering to personal ambition and self-aggrandizement, tend to sap the foundations of public virtue and taint the administration of the Government with a demoralizing influence.

In the other view of the subject, and the only remaining one which it is my intention to present at this time, is involved the expediency of embarking in a system of internal improvement without a previous amendment of the Constitution explaining and defining the precise powers of the Federal Government over it. Assuming the right to appropriate

money to aid in the construction of national works to be warranted by the cotemporaneous and continued exposition of the Constitution, its insufficiency for the successful prosecution of them must be admitted by all candid minds. If we look to usage to define the extent of the right, that will be found so variant and embracing so much that has been overruled as to involve the whole subject in great uncertainty and to render the execution of our respective duties in relation to it replete with difficulty and embarrassment. It is in regard to such works and the acquisition of additional territory that the practice obtained its first footing. In most, if not all, other disputed questions of appropriation the construction of the Constitution may be regarded as unsettled if the right to apply money in the enumerated cases is placed on the ground of usage.

This subject has been one of much, and, I may add, painful, reflection to me. It has bearings that are well calculated to exert a powerful influence upon our hitherto prosperous system of government, and which, on some accounts, may even excite despondency in the breast of an American citizen. I will not detain you with professions of zeal in the cause of internal improvements. If to be their friend is a virtue which deserves commendation, our country is blessed with an abundance of it, for I do not suppose there is an intelligent citizen who does not wish to see them flourish. But though all are their friends, but few, I trust, are unmindful of the means by which they should be promoted; none certainly are so degenerate as to desire their success at the cost of that sacred instrument with the preservation of which is indissolubly bound our country's hopes. If different impressions are entertained in any quarter; if it is expected that the people of this country, reckless of their constitutional obligations, will prefer their local interest to the principles of the Union, such expectations will in the end be disappointed; or if it be not so, then indeed has the world but little to hope from the example of free government. When an honest observance of constitutional compacts can not be obtained from communities like ours, it need not be anticipated elsewhere, and the cause in which there has been so much martyrdom, and from which so much was expected by the friends of liberty, may be abandoned, and the degrading truth that man is unfit for self-government admitted. And this will be the case if *expediency* be made a rule of construction in interpreting the Constitution. Power in no government could desire a better shield for the insidious advances which it is ever ready to make upon the checks that are designed to restrain its action.

But I do not entertain such gloomy apprehensions. If it be the wish of the people that the construction of roads and canals should be conducted by the Federal Government, it is not only highly expedient, but indispensably necessary, that a previous amendment of the Constitution, delegating the necessary power and defining and restricting its exercise

with reference to the sovereignty of the States, should be made. Without it nothing extensively useful can be effected. The right to exercise as much jurisdiction as is necessary to preserve the works and to raise funds by the collection of tolls to keep them in repair can not be dispensed with. The Cumberland road should be an instructive admonition of the consequences of acting without this right. Year after year contests are witnessed, growing out of efforts to obtain the necessary appropriations for completing and repairing this useful work. Whilst one Congress may claim and exercise the power, a succeeding one may deny it; and this fluctuation of opinion must be unavoidably fatal to any scheme which from its extent would promote the interests and elevate the character of the country. The experience of the past has shown that the opinion of Congress is subject to such fluctuations.

If it be the desire of the people that the agency of the Federal Government should be confined to the appropriation of money in aid of such undertakings, in virtue of State authorities, then the occasion, the manner, and the extent of the appropriations should be made the subject of constitutional regulation. This is the more necessary in order that they may be equitable among the several States, promote harmony between different sections of the Union and their representatives, preserve other parts of the Constitution from being undermined by the exercise of doubtful powers or the too great extension of those which are not so, and protect the whole subject against the deleterious influence of combinations to carry by concert measures which, considered by themselves, might meet but little countenance.

That a constitutional adjustment of this power upon equitable principles is in the highest degree desirable can scarcely be doubted, nor can it fail to be promoted by every sincere friend to the success of our political institutions. In no government are appeals to the source of power in cases of real doubt more suitable than in ours. No good motive can be assigned for the exercise of power by the constituted authorities, while those for whose benefit it is to be exercised have not conferred it and may not be willing to confer it. It would seem to me that an honest application of the conceded powers of the General Government to the advancement of the common weal present a sufficient scope to satisfy a reasonable ambition. The difficulty and supposed impracticability of obtaining an amendment of the Constitution in this respect is, I firmly believe, in a great degree unfounded. The time has never yet been when the patriotism and intelligence of the American people were not fully equal to the greatest exigency, and it never will when the subject calling forth their interposition is plainly presented to them. To do so with the questions involved in this bill, and to urge them to an early, zealous, and full consideration of their deep importance, is, in my estimation, among the highest of our duties.

A supposed connection between appropriations for internal improve-

ment and the system of protecting duties, growing out of the anxieties of those more immediately interested in their success, has given rise to suggestions which it is proper I should notice on this occasion. My opinions on these subjects have never been concealed from those who had a right to know them. Those which I have entertained on the latter have frequently placed me in opposition to individuals as well as communities whose claims upon my friendship and gratitude are of the strongest character, but I trust there has been nothing in my public life which has exposed me to the suspicion of being thought capable of sacrificing my views of duty to private considerations, however strong they may have been or deep the regrets which they are capable of exciting.

As long as the encouragement of domestic manufactures is directed to national ends it shall receive from me a temperate but steady support. There is no necessary connection between it and the system of appropriations. On the contrary, it appears to me that the supposition of their dependence upon each other is calculated to excite the prejudices of the public against both. The former is sustained on the grounds of its consistency with the letter and spirit of the Constitution, of its origin being traced to the assent of all the parties to the original compact, and of its having the support and approbation of a majority of the people, on which account it is at least entitled to a fair experiment. The suggestions to which I have alluded refer to a forced continuance of the national debt by means of large appropriations as a substitute for the security which the system derives from the principles on which it has hitherto been sustained. Such a course would certainly indicate either an unreasonable distrust of the people or a consciousness that the system does not possess sufficient soundness for its support if left to their voluntary choice and its own merits. Those who suppose that any policy thus founded can be long upheld in this country have looked upon its history with eyes very different from mine. This policy, like every other, must abide the will of the people, who will not be likely to allow any device, however specious, to conceal its character and tendency.

In presenting these opinions I have spoken with the freedom and candor which I thought the occasion for their expression called for, and now respectfully return the bill which has been under consideration for your further deliberation and judgment.

ANDREW JACKSON.

WASHINGTON, *May 31, 1830.*

To the Senate of the United States.

GENTLEMEN: I have considered the bill proposing "to authorize a subscription of stock in the Washington Turnpike Road Company," and now return the same to the Senate, in which it originated.

I am unable to approve this bill, and would respectfully refer the

Senate to my message to the House of Representatives on returning to that House the bill "to authorize a subscription of stock in the Maysville, Washington, Paris and Lexington Turnpike Road Company" for a statement of my objections to the bill herewith returned. The message referred to bears date on the 27th instant, and a printed copy of the same is herewith transmitted.

ANDREW JACKSON.

[NOTE.—For reasons for the pocket vetoes of "An act for making appropriations for building light-houses, light-boats, beacons, and monuments, placing buoys, and for improving harbors and directing surveys," and "An act to authorize a subscription for stock in the Louisville and Portland Canal Company," see Second Annual Message, dated December 6, 1830, p. 508.]

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has been represented that many uninformed or evil-disposed persons have taken possession of or made a settlement on the public lands of the United States within the district of lands subject to sale at Huntsville, in the State of Alabama, which have not been previously sold, ceded, or leased by the United States, or the claim to which lands by such persons has not been previously recognized and confirmed by the United States, which possession or settlement is, by the act of Congress passed on the 3d day of March, 1807, expressly prohibited; and

Whereas the due execution of the said act of Congress, as well as the general interest, requires that such illegal practices should be promptly repressed:

Now, therefore, I, Andrew Jackson, President of the United States, have thought proper to issue this my proclamation, commanding and strictly enjoining all persons who have unlawfully taken possession of or made any settlement on, or who now unlawfully occupy, any of the public lands within the district of lands subject to sale at Huntsville, in the State of Alabama, as aforesaid, forthwith to remove therefrom; and I do hereby further command and enjoin the marshal, or officer acting as marshal, in that State, where such possession shall have been taken or settlement made, to remove, from and after the 1st day of September, 1830, all or any of the said unlawful occupants; and to effect the said service I do hereby authorize the employment of such military force as may become necessary in pursuance of the provisions of the act of Con-

gress aforesaid, warning the offenders, moreover, that they will be prosecuted in all such other ways as the law directs.

In testimony whereof I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand.

[SEAL.] Done at the city of Washington, the 6th day of March, A. D. 1830, and of the Independence of the United States of America the fifty-fourth.

ANDREW JÁCKSON.

By the President:

M. VAN BUREN,
Secretary of State.

[From original in General Land Office.]

BY THE PRESIDENT OF THE UNITED STATES.

In pursuance of law, I, Andrew Jackson, President of the United States of America, do hereby declare and make known that public sales will be held at the under-mentioned land offices, in the State of Louisiana, at the periods designated, to wit:

At the land office at New Orleans on the first Monday in November next, for the disposal of such of the public lands within the limits of the under-mentioned fractional townships as are not covered by private land claims, viz:

Fractional townships 6, 7, and 9 south, of range 12 east; fractional townships 9 and 10 south, of range 13 east; fractional township 11 south, of range 15 east; fractional township 12 south, of range 16 east; fractional township 12 south, of ranges 20 and 21 east; fractional township 13 south, of range 21 east.

The above-described lands are adjacent to and binding on the Mississippi River.

At the land office at Ouachita, on the third Monday in November next, for the disposal of the public lands within the limits of the under-mentioned townships and fractional townships, viz:

Fractional townships 3 and 4 north, of range 1 east; fractional townships 2 and 3 and townships 19 and 20 north, of range 2 east; fractional townships 2 and 3 and townships 7, 13, 14, 19, and 20 north, of range 3 east; fractional township 3 and townships 8, 9, 13, 14, and 19 north, of range 4 east; township 9 north, of ranges 5 and 6 east; township 10 north, of range 7 east; townships 10, 11, and 12 north, of range 8 east; also township 8 north, of range 9 east, and townships 8 and 9 north, of range 10 east, including the Lake St. John and part of Lake Concordia, near Natchez; township 21 and fractional township 22 north, of range 12 east; fractional townships 21, 22, and 23, of range 13 east, in the vicinity of Lake Providence; fractional township 4 north, of range 1 west; fractional

townships 5 and 6 north, of range 2 west; fractional townships 5 and 6 and township 7 north, of range 3 west.

At the land office at St. Helena on the third Monday in November next, for the disposal of the public lands within the limits of the undermentioned townships and fractional townships, viz:

Township 4 and fractional townships 5 and 7, of range 1 west; townships 1 and 2 and fractional townships 3, 4, and 5, of range 2 west; townships 1 and 2 and fractional township 3, of range 3 west; fractional townships 1 and 2, of range 4 west; townships 4 and 5, of range 1 east; township 4, of range 2 east; township 4 and fractional townships 7 and 8, of range 10 east; townships 1, 2, 4, 6, 7, and fractional township 8, of range 11 east; townships 1, 2, 3, 4, 5, and fractional township 8, of range 12 east; townships 1, 2, 3, 5, 6, and 8 and fractional townships 4 and 9, of range 13 east; fractional townships 1, 2, 3, and 10, of range 14 east; fractional township 10, of ranges 15, 16, and 17 east.

The townships and fractional townships will be offered in the order in which they are above designated, beginning with the lowest number of section in each.

The lands reserved by law for the use of schools or for other purposes are to be excluded from sale.

Given under my hand, at the city of Washington, this 5th day of June, 1830.

ANDREW JACKSON.

By the President:

GEORGE GRAHAM,

Commissioner of the General Land Office.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 24th of May, 1828, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost,' and to equalize the duties on Prussian vessels and their cargoes," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the said foreign nation and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation

or from any other foreign country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and their cargoes, as aforesaid, shall be continued, and no longer; and

Whereas satisfactory evidence has lately been received by me from His Royal Highness the Grand Duke of Oldenburg, through an official communication of F. A. Mensch, his consul in the United States, under date of the 15th of September, 1830, that no discriminating duties of tonnage or impost are imposed or levied in the ports of the Grand Dukedom of Oldenburg upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in the same from the United States or from any other country:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the Grand Dukedom of Oldenburg and the produce, manufactures, and merchandise imported into the United States in the same from the Grand Dukedom of Oldenburg and from any other foreign country whatever, the said suspension to take effect from the day above mentioned and to continue thenceforward so long as the reciprocal exemption of the vessels of the United States and the produce, manufactures, and merchandise imported into the Grand Dukedom of Oldenburg in the same, as aforesaid, shall be continued on the part of the Government of His Royal Highness the Grand Duke of Oldenburg.

Given under my hand, at the city of Washington, the 18th day of September, A. D. 1830, and the fifty-fifth of the Independence of the United States.

ANDREW JACKSON.

By the President:

M. VAN BUREN, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States passed on the 29th day of May, 1830, it is provided that whenever the President of the United States shall receive satisfactory evidence that the Government of Great Britain will open the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands to the vessels of the United States for an indefinite or for a limited term; that the vessels of the United States, and their cargoes, on entering the colonial ports aforesaid, shall not be subject to other or higher duties of tonnage or impost or charges of

any other description than would be imposed on British vessels or their cargoes arriving in the said colonial possessions from the United States; that the vessels of the United States may import into the said colonial possessions from the United States any article or articles which could be imported in a British vessel into the said possessions from the United States; and that the vessels of the United States may export from the British colonies aforementioned, to any country whatever other than the dominions or possessions of Great Britain, any article or articles that can be exported therefrom in a British vessel to any country other than the British dominions or possessions as aforesaid, leaving the commercial intercourse of the United States with all other parts of the British dominions or possessions on a footing not less favorable to the United States than it now is—that then, and in such case, the President of the United States shall be authorized, at any time before the next session of Congress, to issue his proclamation declaring that he has received such evidence, and that thereupon, and from the date of such proclamation, the ports of the United States shall be opened indefinitely or for a term fixed, as the case may be, to British vessels coming from the said British colonial possessions, and their cargoes, subject to no other or higher duty of tonnage or impost or charge of any description whatever than would be levied on the vessels of the United States or their cargoes arriving from the said British possessions; and that it shall be lawful for the said British vessels to import into the United States and to export therefrom any article or articles which may be imported or exported in vessels of the United States; and that the act entitled "An act concerning navigation," passed on the 18th day of April, 1818, an act supplementary thereto, passed the 15th day of May, 1820, and an act entitled "An act to regulate the commercial intercourse between the United States and certain British ports," passed on the 1st day of March, 1823, shall in such case be suspended or absolutely repealed, as the case may require; and

Whereas by the said act it is further provided that whenever the ports of the United States shall have been opened under the authority thereby given, British vessels and their cargoes shall be admitted to an entry in the ports of the United States from the islands, provinces, or colonies of Great Britain on or near the North American continent and north or east of the United States; and

Whereas satisfactory evidence has been received by the President of the United States that whenever he shall give effect to the provisions of the act aforesaid the Government of Great Britain will open for an indefinite period the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands to the vessels of the United States, and their cargoes, upon the terms and according to the requisitions of the aforesaid act of Congress:

Now, therefore, I, Andrew Jackson, President of the United States of

America, do hereby declare and proclaim that such evidence has been received by me, and that by the operation of the act of Congress passed on the 29th day of May, 1830, the ports of the United States are from the date of this proclamation open to British vessels coming from the said British possessions, and their cargoes, upon the terms set forth in the said act. The act entitled "An act concerning navigation," passed on the 18th day of April, 1818, the act supplementary thereto, passed the 15th day of May, 1820, and the act entitled "An act to regulate the commercial intercourse between the United States and certain British ports," passed the 1st day of March, 1823, are absolutely repealed, and British vessels and their cargoes are admitted to an entry in the ports of the United States from the islands, provinces, and colonies of Great Britain on or near the North American continent and north or east of the United States.

Given under my hand, at the city of Washington, the 5th day of October, A. D. 1830, and the fifty-fifth of the Independence of the United States.

ANDREW JACKSON.

By the President:

M. VAN BUREN,

Secretary of State.

EXECUTIVE ORDER.

ADJUTANT-GENERAL'S OFFICE,

Washington, June 12, 1830.

ORDER 29.

The following general order has been received from the War Department. It is published for the information of all concerned:

DEPARTMENT OF WAR,

Washington, June 12, 1830.

GENERAL ORDER.

Congress at their last session passed an act repealing so much of the military law as imposes the penalty of death on those who "in time of peace" shall be found guilty of the crime of desertion. To give complete effect to the benevolent designs of said act, and that the Army may be correctly informed, it is hereby proclaimed that a free and full pardon is extended to those who at the date of this order stand in the character of deserters. All who are under arrest for this offense at the different posts and garrisons will be forthwith liberated, and return to their duty. Such as are roaming at large and those who are under sentence of death

are discharged, and are not again to be permitted to enter the Army, nor at any time hereafter to be enlisted in the service of the country. It is desirable and highly important that the ranks of the Army should be composed of respectable, not degraded, materials. Those who can be so lost to the obligations of a soldier as to abandon a country which morally they are bound to defend, and which solemnly they have sworn to serve, are unworthy, and should be confided in no more.

By order of the President of the United States:

JOHN H. EATON,
Secretary of War.

Communicated by order of Alexander Macomb, Major-General Commanding the Army.

R. JONES, *Adjutant-General.*

SECOND ANNUAL MESSAGE.

DECEMBER 6, 1830.

Fellow-Citizens of the Senate and House of Representatives:

The pleasure I have in congratulating you upon your return to your constitutional duties is much heightened by the satisfaction which the condition of our beloved country at this period justly inspires. The beneficent Author of All Good has granted to us during the present year health, peace, and plenty, and numerous causes for joy in the wonderful success which attends the progress of our free institutions.

With a population unparalleled in its increase, and possessing a character which combines the hardihood of enterprise with the considerateness of wisdom, we see in every section of our happy country a steady improvement in the means of social intercourse, and correspondent effects upon the genius and laws of our extended Republic.

The apparent exceptions to the harmony of the prospect are to be referred rather to inevitable diversities in the various interests which enter into the composition of so extensive a whole than to any want of attachment to the Union—interests whose collisions serve only in the end to foster the spirit of conciliation and patriotism so essential to the preservation of that Union which I most devoutly hope is destined to prove imperishable.

In the midst of these blessings we have recently witnessed changes in the condition of other nations which may in their consequences call for the utmost vigilance, wisdom, and unanimity in our councils, and the exercise of all the moderation and patriotism of our people.

The important modifications of their Government, effected with so

much courage and wisdom by the people of France, afford a happy presage of their future course, and have naturally elicited from the kindred feelings of this nation that spontaneous and universal burst of applause in which you have participated. In congratulating you, my fellow-citizens, upon an event so auspicious to the dearest interests of mankind I do no more than respond to the voice of my country, without transcending in the slightest degree that salutary maxim of the illustrious Washington which enjoins an abstinence from all interference with the internal affairs of other nations. From a people exercising in the most unlimited degree the right of self-government, and enjoying, as derived from this proud characteristic, under the favor of Heaven, much of the happiness with which they are blessed; a people who can point in triumph to their free institutions and challenge comparison with the fruits they bear, as well as with the moderation, intelligence, and energy with which they are administered—from such a people the deepest sympathy was to be expected in a struggle for the sacred principles of liberty, conducted in a spirit every way worthy of the cause, and crowned by a heroic moderation which has disarmed revolution of its terrors. Notwithstanding the strong assurances which the man whom we so sincerely love and justly admire has given to the world of the high character of the present King of the French, and which if sustained to the end will secure to him the proud appellation of Patriot King, it is not in his success, but in that of the great principle which has borne him to the throne—the paramount authority of the public will—that the American people rejoice.

I am happy to inform you that the anticipations which were indulged at the date of my last communication on the subject of our foreign affairs have been fully realized in several important particulars.

An arrangement has been effected with Great Britain in relation to the trade between the United States and her West India and North American colonies which has settled a question that has for years afforded matter for contention and almost uninterrupted discussion, and has been the subject of no less than six negotiations, in a manner which promises results highly favorable to the parties.

The abstract right of Great Britain to monopolize the trade with her colonies or to exclude us from a participation therein has never been denied by the United States. But we have contended, and with reason, that if at any time Great Britain may desire the productions of this country as necessary to her colonies they must be received upon principles of just reciprocity, and, further, that it is making an invidious and unfriendly distinction to open her colonial ports to the vessels of other nations and close them against those of the United States.

Antecedently to 1794 a portion of our productions was admitted into the colonial islands of Great Britain by particular concessions, limited to the term of one year, but renewed from year to year. In the transpor-

tation of these productions, however, our vessels were not allowed to engage, this being a privilege reserved to British shipping, by which alone our produce could be taken to the islands and theirs brought to us in return. From Newfoundland and her continental possessions all our productions, as well as our vessels, were excluded, with occasional relaxations, by which, in seasons of distress, the former were admitted in British bottoms.

By the treaty of 1794 she offered to concede to us for a limited time the right of carrying to her West India possessions in our vessels not exceeding 70 tons burthen, and upon the same terms as British vessels, any productions of the United States which British vessels might import therefrom. But this privilege was coupled with conditions which are supposed to have led to its rejection by the Senate; that is, that American vessels should land their return cargoes in the United States only, and, moreover, that they should during the continuance of the privilege be precluded from carrying molasses, sugar, coffee, cocoa, or cotton either from those islands or from the United States to any other part of the world. Great Britain readily consented to expunge this article from the treaty, and subsequent attempts to arrange the terms of the trade either by treaty stipulations or concerted legislation having failed, it has been successively suspended and allowed according to the varying legislation of the parties.

The following are the prominent points which have in later years separated the two Governments: Besides a restriction whereby all importations into her colonies in American vessels are confined to our own products carried hence, a restriction to which it does not appear that we have ever objected, a leading object on the part of Great Britain has been to prevent us from becoming the carriers of British West India commodities to any other country than our own. On the part of the United States it has been contended, first, that the subject should be regulated by treaty stipulation in preference to separate legislation; second, that our productions, when imported into the colonies in question, should not be subject to higher duties than the productions of the mother country or of her other colonial possessions, and, third, that our vessels should be allowed to participate in the circuitous trade between the United States and different parts of the British dominions.

The first point, after having been for a long time strenuously insisted upon by Great Britain, was given up by the act of Parliament of July, 1825, all vessels suffered to trade with the colonies being permitted to clear from thence with any articles which British vessels might export and proceed to any part of the world, Great Britain and her dependencies alone excepted. On our part each of the above points had in succession been explicitly abandoned in negotiations preceding that of which the result is now announced.

This arrangement secures to the United States every advantage asked

by them, and which the state of the negotiation allowed us to insist upon. The trade will be placed upon a footing decidedly more favorable to this country than any on which it ever stood, and our commerce and navigation will enjoy in the colonial ports of Great Britain every privilege allowed to other nations.

That the prosperity of the country so far as it depends on this trade will be greatly promoted by the new arrangement there can be no doubt. Independently of the more obvious advantages of an open and direct intercourse, its establishment will be attended with other consequences of a higher value. That which has been carried on since the mutual interdict under all the expense and inconvenience unavoidably incident to it would have been insupportably onerous had it not been in a great degree lightened by concerted evasions in the mode of making the transshipments at what are called the neutral ports. These indirections are inconsistent with the dignity of nations that have so many motives not only to cherish feelings of mutual friendship, but to maintain such relations as will stimulate their respective citizens and subjects to efforts of direct, open, and honorable competition only, and preserve them from the influence of seductive and vitiating circumstances.

When your preliminary interposition was asked at the close of the last session, a copy of the instructions under which Mr. McLane has acted, together with the communications which had at that time passed between him and the British Government, was laid before you. Although there has not been anything in the acts of the two Governments which requires secrecy, it was thought most proper in the then state of the negotiation to make that communication a confidential one. So soon, however, as the evidence of execution on the part of Great Britain is received the whole matter shall be laid before you, when it will be seen that the apprehension which appears to have suggested one of the provisions of the act passed at your last session, that the restoration of the trade in question might be connected with other subjects and was sought to be obtained at the sacrifice of the public interest in other particulars, was wholly unfounded, and that the change which has taken place in the views of the British Government has been induced by considerations as honorable to both parties as I trust the result will prove beneficial.

This desirable result was, it will be seen, greatly promoted by the liberal and confiding provisions of the act of Congress of the last session, by which our ports were upon the reception and annunciation by the President of the required assurance on the part of Great Britain forthwith opened to her vessels before the arrangement could be carried into effect on her part, pursuing in this act of prospective legislation a similar course to that adopted by Great Britain in abolishing, by her act of Parliament in 1825, a restriction then existing and permitting our vessels to clear from the colonies on their return voyages for any foreign country whatever before British vessels had been relieved from the restriction imposed

by our law of returning directly from the United States to the colonies, a restriction which she required and expected that we should abolish. Upon each occasion a limited and temporary advantage has been given to the opposite party, but an advantage of no importance in comparison with the restoration of mutual confidence and good feeling, and the ultimate establishment of the trade upon fair principles.

It gives me unfeigned pleasure to assure you that this negotiation has been throughout characterized by the most frank and friendly spirit on the part of Great Britain, and concluded in a manner strongly indicative of a sincere desire to cultivate the best relations with the United States. To reciprocate this disposition to the fullest extent of my ability is a duty which I shall deem it a privilege to discharge.

Although the result is itself the best commentary on the services rendered to his country by our minister at the Court of St. James, it would be doing violence to my feelings were I to dismiss the subject without expressing the very high sense I entertain of the talent and exertion which have been displayed by him on the occasion.

The injury to the commerce of the United States resulting from the exclusion of our vessels from the Black Sea and the previous footing of mere sufferance upon which even the limited trade enjoyed by us with Turkey has hitherto been placed have for a long time been a source of much solicitude to this Government, and several endeavors have been made to obtain a better state of things. Sensible of the importance of the object, I felt it my duty to leave no proper means unemployed to acquire for our flag the same privileges that are enjoyed by the principal powers of Europe. Commissioners were consequently appointed to open a negotiation with the Sublime Porte. Not long after the member of the commission who went directly from the United States had sailed, the account of the treaty of Adrianople, by which one of the objects in view was supposed to be secured, reached this country. The Black Sea was understood to be opened to us. Under the supposition that this was the case, the additional facilities to be derived from the establishment of commercial regulations with the Porte were deemed of sufficient importance to require a prosecution of the negotiation as originally contemplated. It was therefore persevered in, and resulted in a treaty, which will be forthwith laid before the Senate.

By its provisions a free passage is secured, without limitation of time, to the vessels of the United States to and from the Black Sea, including the navigation thereof, and our trade with Turkey is placed on the footing of the most favored nation The latter is an arrangement wholly independent of the treaty of Adrianople, and the former derives much value, not only from the increased security which under any circumstances it would give to the right in question, but from the fact, ascertained in the course of the negotiation, that by the construction put upon that treaty by Turkey the article relating to the passage of the Bospho-

rus is confined to nations having treaties with the Porte. The most friendly feelings appear to be entertained by the Sultan, and an enlightened disposition is evinced by him to foster the intercourse between the two countries by the most liberal arrangements. This disposition it will be our duty and interest to cherish.

Our relations with Russia are of the most stable character. Respect for that Empire and confidence in its friendship toward the United States have been so long entertained on our part and so carefully cherished by the present Emperor and his illustrious predecessor as to have become incorporated with the public sentiment of the United States. No means will be left unemployed on my part to promote these salutary feelings and those improvements of which the commercial intercourse between the two countries is susceptible, and which have derived increased importance from our treaty with the Sublime Porte.

I sincerely regret to inform you that our minister lately commissioned to that Court, on whose distinguished talents and great experience in public affairs I place great reliance, has been compelled by extreme indisposition to exercise a privilege which, in consideration of the extent to which his constitution had been impaired in the public service, was committed to his discretion—of leaving temporarily his post for the advantage of a more genial climate.

If, as it is to be hoped, the improvement of his health should be such as to justify him in doing so, he will repair to St. Petersburg and resume the discharge of his official duties. I have received the most satisfactory assurances that in the meantime the public interest in that quarter will be preserved from prejudice by the intercourse which he will continue through the secretary of legation with the Russian cabinet.

You are apprised, although the fact has not yet been officially announced to the House of Representatives, that a treaty was in the month of March last concluded between the United States and Denmark, by which $650,000 are secured to our citizens as an indemnity for spoliations upon their commerce in the years 1808, 1809, 1810, and 1811. This treaty was sanctioned by the Senate at the close of its last session, and it now becomes the duty of Congress to pass the necessary laws for the organization of the board of commissioners to distribute the indemnity among the claimants. It is an agreeable circumstance in this adjustment that the terms are in conformity with the previously ascertained views of the claimants themselves, thus removing all pretense for a future agitation of the subject in any form.

The negotiations in regard to such points in our foreign relations as remain to be adjusted have been actively prosecuted during the recess. Material advances have been made, which are of a character to promise favorable results. Our country, by the blessing of God, is not in a situation to invite aggression, and it will be our fault if she ever becomes so. Sincerely desirous to cultivate the most liberal and friendly relations

with all; ever ready to fulfill our engagements with scrupulous fidelity; limiting our demands upon others to mere justice; holding ourselves ever ready to do unto them as we would wish to be done by, and avoiding even the appearance of undue partiality to any nation, it appears to me impossible that a simple and sincere application of our principles to our foreign relations can fail to place them ultimately upon the footing on which it is our wish they should rest.

Of the points referred to, the most prominent are our claims upon France for spoliations upon our commerce; similar claims upon Spain, together with embarrassments in the commercial intercourse between the two countries which ought to be removed; the conclusion of the treaty of commerce and navigation with Mexico, which has been so long in suspense, as well as the final settlement of limits between ourselves and that Republic, and, finally, the arbitrament of the question between the United States and Great Britain in regard to the northeastern boundary.

The negotiation with France has been conducted by our minister with zeal and ability, and in all respects to my entire satisfaction. Although the prospect of a favorable termination was occasionally dimmed by counter pretensions to which the United States could not assent, he yet had strong hopes of being able to arrive at a satisfactory settlement with the late Government. The negotiation has been renewed with the present authorities, and, sensible of the general and lively confidence of our citizens in the justice and magnanimity of regenerated France, I regret the more not to have it in my power yet to announce the result so confidently anticipated. No ground, however, inconsistent with this expectation has yet been taken, and I do not allow myself to doubt that justice will soon be done us. The amount of the claims, the length of time they have remained unsatisfied, and their incontrovertible justice make an earnest prosecution of them by this Government an urgent duty. The illegality of the seizures and confiscations out of which they have arisen is not disputed, and whatever distinctions may have heretofore been set up in regard to the liability of the existing Government it is quite clear that such considerations can not now be interposed.

The commercial intercourse between the two countries is susceptible of highly advantageous improvements, but the sense of this injury has had, and must continue to have, a very unfavorable influence upon them. From its satisfactory adjustment not only a firm and cordial friendship, but a progressive development of all their relations, may be expected. It is, therefore, my earnest hope that this old and vexatious subject of difference may be speedily removed.

I feel that my confidence in our appeal to the motives which should govern a just and magnanimous nation is alike warranted by the character of the French people and by the high voucher we possess for the enlarged views and pure integrity of the Monarch who now presides over their councils, and nothing shall be wanting on my part to meet any

manifestation of the spirit we anticipate in one of corresponding frankness and liberality.

The subjects of difference with Spain have been brought to the view of that Government by our minister there with much force and propriety, and the strongest assurances have been received of their early and favorable consideration.

The steps which remained to place the matter in controversy between Great Britain and the United States fairly before the arbitrator have all been taken in the same liberal and friendly spirit which characterized those before announced. Recent events have doubtless served to delay the decision, but our minister at the Court of the distinguished arbitrator has been assured that it will be made within the time contemplated by the treaty.

I am particularly gratified in being able to state that a decidedly favorable, and, as I hope, lasting, change has been effected in our relations with the neighboring Republic of Mexico. The unfortunate and unfounded suspicions in regard to our disposition which it became my painful duty to advert to on a former occasion have been, I believe, entirely removed, and the Government of Mexico has been made to understand the real character of the wishes and views of this in regard to that country. The consequence is the establishment of friendship and mutual confidence. Such are the assurances I have received, and I see no cause to doubt their sincerity.

I had reason to expect the conclusion of a commercial treaty with Mexico in season for communication on the present occasion. Circumstances which are not explained, but which I am persuaded are not the result of an indisposition on her part to enter into it, have produced the delay.

There was reason to fear in the course of the last summer that the harmony of our relations might be disturbed by the acts of certain claimants, under Mexican grants, of territory which had hitherto been under our jurisdiction. The cooperation of the representative of Mexico near this Government was asked on the occasion and was readily afforded. Instructions and advice have been given to the governor of Arkansas and the officers in command in the adjoining Mexican State by which it is hoped the quiet of that frontier will be preserved until a final settlement of the dividing line shall have removed all ground of controversy.

The exchange of ratifications of the treaty concluded last year with Austria has not yet taken place. The delay has been occasioned by the nonarrival of the ratification of that Government within the time prescribed by the treaty. Renewed authority has been asked for by the representative of Austria, and in the meantime the rapidly increasing trade and navigation between the two countries have been placed upon the most liberal footing of our navigation acts.

Several alleged depredations have been recently committed on our

commerce by the national vessels of Portugal. They have been made the subject of immediate remonstrance and reclamation. I am not yet possessed of sufficient information to express a definitive opinion of their character, but expect soon to receive it. No proper means shall be omitted to obtain for our citizens all the redress to which they may appear to be entitled.

Almost at the moment of the adjournment of your last session two bills—the one entitled "An act for making appropriations for building light-houses, light-boats, beacons, and monuments, placing buoys, and for improving harbors and directing surveys," and the other "An act to authorize a subscription for stock in the Louisville and Portland Canal Company"—were submitted for my approval. It was not possible within the time allowed me before the close of the session to give to these bills the consideration which was due to their character and importance, and I was compelled to retain them for that purpose. I now avail myself of this early opportunity to return them to the Houses in which they respectively originated with the reasons which, after mature deliberation, compel me to withhold my approval.

The practice of defraying out of the Treasury of the United States the expenses incurred by the establishment and support of light-houses, beacons, buoys, and public piers within the bays, inlets, harbors, and ports of the United States, to render the navigation thereof safe and easy, is coeval with the adoption of the Constitution, and has been continued without interruption or dispute.

As our foreign commerce increased and was extended into the interior of the country by the establishment of ports of entry and delivery upon our navigable rivers the sphere of those expenditures received a corresponding enlargement. Light-houses, beacons, buoys, public piers, and the removal of sand bars, sawyers, and other partial or temporary impediments in the navigable rivers and harbors which were embraced in the revenue districts from time to time established by law were authorized upon the same principle and the expense defrayed in the same manner. That these expenses have at times been extravagant and disproportionate is very probable. The circumstances under which they are incurred are well calculated to lead to such a result unless their application is subjected to the closest scrutiny. The local advantages arising from the disbursement of public money too frequently, it is to be feared, invite appropriations for objects of this character that are neither necessary nor useful.

The number of light-house keepers is already very large, and the bill before me proposes to add to it fifty-one more of various descriptions. From representations upon the subject which are understood to be entitled to respect I am induced to believe that there has not only been great improvidence in the past expenditures of the Government upon these objects, but that the security of navigation has in some instances been

diminished by the multiplication of light-houses and consequent change of lights upon the coast. It is in this as in other respects our duty to avoid all unnecessary expense, as well as every increase of patronage not called for by the public service. But in the discharge of that duty in this particular it must not be forgotten that in relation to our foreign commerce the burden and benefit of protecting and accommodating it necessarily go together, and must do so as long as the public revenue is drawn from the people through the custom-house. It is indisputable that whatever gives facility and security to navigation cheapens imports, and all who consume them are alike interested in whatever produces this effect. If they consume, they ought, as they now do, to pay; otherwise they do not pay. The consumer in the most inland State derives the same advantage from every necessary and prudent expenditure for the facility and security of our foreign commerce and navigation that he does who resides in a maritime State. Local expenditures have not of themselves a corresponding operation.

From a bill making *direct* appropriations for such objects I should not have withheld my assent. The one now returned does so in several particulars, but it also contains appropriations for surveys of a local character, which I can not approve. It gives me satisfaction to find that no serious inconvenience has arisen from withholding my approval from this bill; nor will it, I trust, be cause of regret that an opportunity will be thereby afforded for Congress to review its provisions under circumstances better calculated for full investigation than those under which it was passed.

In speaking of direct appropriations I mean not to include a practice which has obtained to some extent, and to which I have in one instance, in a different capacity, given my assent—that of subscribing to the stock of private associations. Positive experience and a more thorough consideration of the subject have convinced me of the impropriety as well as inexpediency of such investments. All improvements effected by the funds of the nation for general use should be open to the enjoyment of all our fellow-citizens, exempt from the payment of tolls or any imposition of that character. The practice of thus mingling the concerns of the Government with those of the States or of individuals is inconsistent with the object of its institution and highly impolitic. The successful operation of the federal system can only be preserved by confining it to the few and simple, but yet important, objects for which it was designed.

A different practice, if allowed to progress, would ultimately change the character of this Government by consolidating into one the General and State Governments, which were intended to be kept forever distinct. I can not perceive how bills authorizing such subscriptions can be otherwise regarded than as bills for revenue, and consequently subject to the rule in that respect prescribed by the Constitution. If the interest of the Government in private companies is subordinate to that of individuals,

the management and control of a portion of the public funds is delegated to an authority unknown to the Constitution and beyond the supervision of our constituents; if superior, its officers and agents will be constantly exposed to imputations of favoritism and oppression. Direct prejudice to the public interest or an alienation of the affections and respect of portions of the people may, therefore, in addition to the general discredit resulting to the Government from embarking with its constituents in pecuniary stipulations, be looked for as the probable fruit of such associations. It is no answer to this objection to say that the extent of consequences like these can not be great from a limited and small number of investments, because experience in other matters teaches us—and we are not at liberty to disregard its admonitions—that unless an entire stop be put to them it will soon be impossible to prevent their accumulation until they are spread over the whole country and made to embrace many of the private and appropriate concerns of individuals.

The power which the General Government would acquire within the several States by becoming the principal stockholder in corporations, controlling every canal and each 60 or 100 miles of every important road, and giving a proportionate vote in all their elections, is almost inconceivable, and in my view dangerous to the liberties of the people.

This mode of aiding such works is also in its nature deceptive, and in many cases conducive to improvidence in the administration of the national funds. Appropriations will be obtained with much greater facility and granted with less security to the public interest when the measure is thus disguised than when definite and direct expenditures of money are asked for. The interests of the nation would doubtless be better served by avoiding all such indirect modes of aiding particular objects. In a government like ours more especially should all public acts be, as far as practicable, simple, undisguised, and intelligible, that they may become fit subjects for the approbation or animadversion of the people. The bill authorizing a subscription to the Louisville and Portland Canal affords a striking illustration of the difficulty of withholding additional appropriations for the same object when the first erroneous step has been taken by instituting a partnership between the Government and private companies. It proposes a third subscription on the part of the United States, when each preceding one was at the time regarded as the extent of the aid which Government was to render to that work; and the accompanying bill for light-houses, etc., contains an appropriation for a survey of the bed of the river, with a view to its improvement by removing the obstruction which the canal is designed to avoid. This improvement, if successful, would afford a free passage of the river and render the canal entirely useless. To such improvidence is the course of legislation subject in relation to internal improvements on local matters, even with the best intentions on the part of Congress.

Although the motives which have influenced me in this matter may be

already sufficiently stated, I am, nevertheless, induced by its importance to add a few observations of a general character.

In my objections to the bills authorizing subscriptions to the Maysville and Rockville road companies I expressed my views fully in regard to the power of Congress to construct roads and canals within a State or to appropriate money for improvements of a local character. I at the same time intimated my belief that the right to make appropriations for such as were of a national character had been so generally acted upon and so long acquiesced in by the Federal and State Governments and the constituents of each as to justify its exercise on the ground of continued and uninterrupted usage, but that it was, nevertheless, highly expedient that appropriations even of that character should, with the exception made at the time, be deferred until the national debt is paid, and that in the meanwhile some general rule for the action of the Government in that respect ought to be established.

These suggestions were not necessary to the decision of the question then before me, and were, I readily admit, intended to awake the attention and draw forth the opinions and observations of our constituents upon a subject of the highest importance to their interests, and one destined to exert a powerful influence upon the future operations of our political system. I know of no tribunal to which a public man in this country, in a case of doubt and difficulty, can appeal with greater advantage or more propriety than the judgment of the people; and although I must necessarily in the discharge of my official duties be governed by the dictates of my own judgment, I have no desire to conceal my anxious wish to conform as far as I can to the views of those for whom I act.

All irregular expressions of public opinion are of necessity attended with some doubt as to their accuracy, but making full allowances on that account I can not, I think, deceive myself in believing that the acts referred to, as well as the suggestions which I allowed myself to make in relation to their bearing upon the future operations of the Government, have been approved by the great body of the people. That those whose immediate pecuniary interests are to be affected by proposed expenditures should shrink from the application of a rule which prefers their more general and remote interests to those which are personal and immediate is to be expected. But even such objections must from the nature of our population be but temporary in their duration, and if it were otherwise our course should be the same, for the time is yet, I hope, far distant when those intrusted with power to be exercised for the good of the whole will consider it either honest or wise to purchase local favors at the sacrifice of principle and general good.

So understanding public sentiment, and thoroughly satisfied that the best interests of our common country imperiously require that the course which I have recommended in this regard should be adopted, I have, upon the most mature consideration, determined to pursue it.

It is due to candor, as well as to my own feelings, that I should express the reluctance and anxiety which I must at all times experience in exercising the undoubted right of the Executive to withhold his assent from bills on other grounds than their constitutionality. That this right should not be exercised on slight occasions all will admit. It is only in matters of deep interest, when the principle involved may be justly regarded as next in importance to infractions of the Constitution itself, that such a step can be expected to meet with the approbation of the people. Such an occasion do I conscientiously believe the present to be. In the discharge of this delicate and highly responsible duty I am sustained by the reflection that the exercise of this power has been deemed consistent with the obligation of official duty by several of my predecessors, and by the persuasion, too, that whatever liberal institutions may have to fear from the encroachments of Executive power, which has been everywhere the cause of so much strife and bloody contention, but little danger is to be apprehended from a precedent by which that authority denies to itself the exercise of powers that bring in their train influence and patronage of great extent, and thus excludes the operation of personal interests, everywhere the bane of official trust. I derive, too, no small degree of satisfaction from the reflection that if I have mistaken the interests and wishes of the people the Constitution affords the means of soon redressing the error by selecting for the place their favor has bestowed upon me a citizen whose opinions may accord with their own. I trust, in the meantime, the interests of the nation will be saved from prejudice by a rigid application of that portion of the public funds which might otherwise be applied to different objects to that highest of all our obligations, the payment of the public debt, and an opportunity be afforded for the adoption of some better rule for the operations of the Government in this matter than any which has hitherto been acted upon.

Profoundly impressed with the importance of the subject, not merely as relates to the general prosperity of the country, but to the safety of the federal system, I can not avoid repeating my earnest hope that all good citizens who take a proper interest in the success and harmony of our admirable political institutions, and who are incapable of desiring to convert an opposite state of things into means for the gratification of personal ambition, will, laying aside minor considerations and discarding local prejudices, unite their honest exertions to establish some fixed general principle which shall be calculated to effect the greatest extent of public good in regard to the subject of internal improvement, and afford the least ground for sectional discontent.

The general grounds of my objection to local appropriations have been heretofore expressed, and I shall endeavor to avoid a repetition of what has been already urged—the importance of sustaining the State sovereignties as far as is consistent with the rightful action of the Federal Government, and of preserving the greatest attainable harmony between

them. I will now only add an expression of my conviction—a conviction which every day's experience serves to confirm—that the political creed which inculcates the pursuit of those great objects as a paramount duty is the true faith, and one to which we are mainly indebted for the present success of the entire system, and to which we must alone look for its future stability.

That there are diversities in the interests of the different States which compose this extensive Confederacy must be admitted. Those diversities arising from situation, climate, population, and pursuits are doubtless, as it is natural they should be, greatly exaggerated by jealousies and that spirit of rivalry so inseparable from neighboring communities. These circumstances make it the duty of those who are intrusted with the management of its affairs to neutralize their effects as far as practicable by making the beneficial operation of the Federal Government as equal and equitable among the several States as can be done consistently with the great ends of its institution.

It is only necessary to refer to undoubted facts to see how far the past acts of the Government upon the subject under consideration have fallen short of this object. The expenditures heretofore made for internal improvements amount to upward of $5,000,000, and have been distributed in very unequal proportions amongst the States. The estimated expense of works of which surveys have been made, together with that of others projected and partially surveyed, amounts to more than $96,000,000.

That such improvements, on account of particular circumstances, may be more advantageously and beneficially made in some States than in others is doubtless true, but that they are of a character which should prevent an equitable distribution of the funds amongst the several States is not to be conceded. The want of this equitable distribution can not fail to prove a prolific source of irritation among the States.

We have it constantly before our eyes that professions of superior zeal in the cause of internal improvement and a disposition to lavish the public funds upon objects of this character are daily and earnestly put forth by aspirants to power as constituting the highest claims to the confidence of the people. Would it be strange, under such circumstances, and in times of great excitement, that grants of this description should find their motives in objects which may not accord with the public good? Those who have not had occasion to see and regret the indication of a sinister influence in these matters in past times have been more fortunate than myself in their observation of the course of public affairs. If to these evils be added the combinations and angry contentions to which such a course of things gives rise, with their baleful influences upon the legislation of Congress touching the leading and appropriate duties of the Federal Government, it was but doing justice to the character of our people to expect the severe condemnation of the past which the recent exhibitions of public sentiment has evinced.

Nothing short of a radical change in the action of the Government upon the subject can, in my opinion, remedy the evil. If, as it would be natural to expect, the States which have been least favored in past appropriations should insist on being redressed in those hereafter to be made, at the expense of the States which have so largely and disproportionately participated, we have, as matters now stand, but little security that the attempt would do more than change the inequality from one quarter to another.

Thus viewing the subject, I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds, which may at any time remain in the Treasury after the national debt shall have been paid, among the States, in proportion to the number of their Representatives, to be applied by them to objects of internal improvement.

Although this plan has met with favor in some portions of the Union, it has also elicited objections which merit deliberate consideration. A brief notice of these objections here will not, therefore, I trust, be regarded as out of place.

They rest, as far as they have come to my knowledge, on the following grounds: First, an objection to the ratio of distribution; second, an apprehension that the existence of such a regulation would produce improvident and oppressive taxation to raise the funds for distribution; third, that the mode proposed would lead to the construction of works of a local nature, to the exclusion of such as are general and as would consequently be of a more useful character; and, last, that it would create a discreditable and injurious dependence on the part of the State governments upon the Federal power. Of those who object to the ratio of representation as the basis of distribution, some insist that the importations of the respective States would constitute one that would be more equitable; and others again, that the extent of their respective territories would furnish a standard which would be more expedient and sufficiently equitable. The ratio of representation presented itself to my mind, and it still does, as one of obvious equity, because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation. It does not follow, however, that its adoption is indispensable to the establishment of the system proposed. There may be considerations appertaining to the subject which would render a departure, to some extent, from the rule of contribution proper. Nor is it absolutely necessary that the basis of distribution be confined to one ground. It may, if in the judgment of those whose right it is to fix it it be deemed politic and just to give it that character, have regard to several.

In my first message I stated it to be my opinion that "it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union will until a remote period, if ever, leave the Govern-

ment without a considerable surplus in the Treasury beyond what may be required for its current service." I have had no cause to change that opinion, but much to confirm it. Should these expectations be realized, a suitable fund would thus be produced for the plan under consideration to operate upon, and if there be no such fund its adoption will, in my opinion, work no injury to any interest; for I can not assent to the justness of the apprehension that the establishment of the proposed system would tend to the encouragement of improvident legislation of the character supposed. Whatever the proper authority in the exercise of constitutional power shall at any time hereafter decide to be for the general good will in that as in other respects deserve and receive the acquiescence and support of the whole country, and we have ample security that every abuse of power in that regard by agents of the people will receive a speedy and effectual corrective at their hands. The views which I take of the future, founded on the obvious and increasing improvement of all classes of our fellow-citizens in intelligence and in public and private virtue, leave me without much apprehension on that head.

I do not doubt that those who come after us will be as much alive as we are to the obligation upon all the trustees of political power to exempt those for whom they act from all unnecessary burthens, and as sensible of the great truth that the resources of the nation beyond those required for immediate and necessary purposes of Government can nowhere be so well deposited as in the pockets of the people.

It may sometimes happen that the interests of particular States would not be deemed to coincide with the general interest in relation to improvements within such States. But if the danger to be apprehended from this source is sufficient to require it, a discretion might be reserved to Congress to direct to such improvements of a general character as the States concerned might not be disposed to unite in, the application of the quotas of those States, under the restriction of confining to each State the expenditure of its appropriate quota. It may, however, be assumed as a safe general rule that such improvements as serve to increase the prosperity of the respective States in which they are made, by giving new facilities to trade, and thereby augmenting the wealth and comfort of their inhabitants, constitute the surest mode of conferring permanent and substantial advantages upon the whole. The strength as well as the true glory of the Confederacy is founded on the prosperity and power of the several independent sovereignties of which it is composed and the certainty with which they can be brought into successful active cooperation through the agency of the Federal Government.

It is, moreover, within the knowledge of such as are at all conversant with public affairs that schemes of internal improvement have from time to time been proposed which, from their extent and seeming magnificence, were readily regarded as of national concernment, but which upon fuller consideration and further experience would now be rejected with great unanimity.

That the plan under consideration would derive important advantages from its certainty, and that the moneys set apart for these purposes would be more judiciously applied and economically expended under the direction of the State legislatures, in which every part of each State is immediately represented, can not, I think, be doubted. In the new States particularly, where a comparatively small population is scattered over an extensive surface, and the representation in Congress consequently very limited, it is natural to expect that the appropriations made by the Federal Government would be more likely to be expended in the vicinity of those members through whose immediate agency they were obtained than if the funds were placed under the control of the legislature, in which every county of the State has its own representative. This supposition does not necessarily impugn the motives of such Congressional representatives, nor is it so intended. We are all sensible of the bias to which the strongest minds and purest hearts are, under such circumstances, liable. In respect to the last objection—its probable effect upon the dignity and independence of State governments—it appears to me only necessary to state the case as it is, and as it would be if the measure proposed were adopted, to show that the operation is most likely to be the very reverse of that which the objection supposes.

In the one case the State would receive its quota of the national revenue for domestic use upon a fixed principle as a matter of right, and from a fund to the creation of which it had itself contributed its fair proportion. Surely there could be nothing derogatory in that. As matters now stand the States themselves, in their sovereign character, are not unfrequently petitioners at the bar of the Federal Legislature for such allowances out of the National Treasury as it may comport with their pleasure or sense of duty to bestow upon them. It can not require argument to prove which of the two courses is most compatible with the efficiency or respectability of the State governments.

But all these are matters for discussion and dispassionate consideration. That the desired adjustment would be attended with difficulty affords no reason why it should not be attempted. The effective operation of such motives would have prevented the adoption of the Constitution under which we have so long lived and under the benign influence of which our beloved country has so signally prospered. The framers of that sacred instrument had greater difficulties to overcome, and they did overcome them. The patriotism of the people, directed by a deep conviction of the importance of the Union, produced mutual concession and reciprocal forbearance. Strict right was merged in a spirit of compromise, and the result has consecrated their disinterested devotion to the general weal. Unless the American people have degenerated, the same result can be again effected whenever experience points out the necessity of a resort to the same means to uphold the fabric which their fathers have reared. It is beyond the power of man to make a system of government like ours

or any other operate with precise equality upon States situated like those which compose this Confederacy; nor is inequality always injustice. Every State can not expect to shape the measures of the General Government to suit its own particular interests. The causes which prevent it are seated in the nature of things, and can not be entirely counteracted by human means. Mutual forbearance becomes, therefore, a duty obligatory upon all, and we may, I am confident, count upon a cheerful compliance with this high injunction on the part of our constituents. It is not to be supposed that they will object to make such comparatively inconsiderable sacrifices for the preservation of rights and privileges which other less favored portions of the world have in vain waded through seas of blood to acquire.

Our course is a safe one if it be but faithfully adhered to. Acquiescence in the constitutionally expressed will of the majority, and the exercise of that will in a spirit of moderation, justice, and brotherly kindness, will constitute a cement which would forever preserve our Union. Those who cherish and inculcate sentiments like these render a most essential service to their country, while those who seek to weaken their influence are, however conscientious and praiseworthy their intentions, in effect its worst enemies.

If the intelligence and influence of the country, instead of laboring to foment sectional prejudices, to be made subservient to party warfare, were in good faith applied to the eradication of causes of local discontent, by the improvement of our institutions and by facilitating their adaptation to the condition of the times, this task would prove one of less difficulty. May we not hope that the obvious interests of our common country and the dictates of an enlightened patriotism will in the end lead the public mind in that direction?

After all, the nature of the subject does not admit of a plan wholly free from objection. That which has for some time been in operation is, perhaps, the worst that could exist, and every advance that can be made in its improvement is a matter eminently worthy of your most deliberate attention.

It is very possible that one better calculated to effect the objects in view may yet be devised. If so, it is to be hoped that those who disapprove the past and dissent from what is proposed for the future will feel it their duty to direct their attention to it, as they must be sensible that unless some fixed rule for the action of the Federal Government in this respect is established the course now attempted to be arrested will be again resorted to. Any mode which is calculated to give the greatest degree of effect and harmony to our legislation upon the subject, which shall best serve to keep the movements of the Federal Government within the sphere intended by those who modeled and those who adopted it, which shall lead to the extinguishment of the national debt in the shortest period and impose the lightest burthens upon our constituents, shall receive from me a cordial and firm support.

Among the objects of great national concern I can not omit to press again upon your attention that part of the Constitution which regulates the election of President and Vice-President. The necessity for its amendment is made so clear to my mind by observation of its evils and by the many able discussions which they have elicited on the floor of Congress and elsewhere that I should be wanting to my duty were I to withhold another expression of my deep solicitude on the subject. Our system fortunately contemplates a recurrence to first principles, differing in this respect from all that have preceded it, and securing it, I trust, equally against the decay and the commotions which have marked the progress of other governments. Our fellow-citizens, too, who in proportion to their love of liberty keep a steady eye upon the means of sustaining it, do not require to be reminded of the duty they owe to themselves to remedy all essential defects in so vital a part of their system. While they are sensible that every evil attendant upon its operation is not necessarily indicative of a bad organization, but may proceed from temporary causes, yet the habitual presence, or even a single instance, of evils which can be clearly traced to an organic defect will not, I trust, be overlooked through a too scrupulous veneration for the work of their ancestors. The Constitution was an experiment committed to the virtue and intelligence of the great mass of our countrymen, in whose ranks the framers of it themselves were to perform the part of patriotic observation and scrutiny, and if they have passed from the stage of existence with an increased confidence in its general adaptation to our condition we should learn from authority so high the duty of fortifying the points in it which time proves to be exposed rather than be deterred from approaching them by the suggestions of fear or the dictates of misplaced reverence.

A provision which does not secure to the people a direct choice of their Chief Magistrate, but has a tendency to defeat their will, presented to my mind such an inconsistency with the general spirit of our institutions that I was induced to suggest for your consideration the substitute which appeared to me at the same time the most likely to correct the evil and to meet the views of our constituents. The most mature reflection since has added strength to the belief that the best interests of our country require the speedy adoption of some plan calculated to effect this end. A contingency which sometimes places it in the power of a single member of the House of Representatives to decide an election of so high and solemn a character is unjust to the people, and becomes when it occurs a source of embarrassment to the individuals thus brought into power and a cause of distrust of the representative body. Liable as the Confederacy is, from its great extent, to parties founded upon sectional interests, and to a corresponding multiplication of candidates for the Presidency, the tendency of the constitutional reference to the House of Representatives is to devolve the election upon that body in almost every instance,

and, whatever choice may then be made among the candidates thus presented to them, to swell the influence of particular interests to a degree inconsistent with the general good. The consequences of this feature of the Constitution appear far more threatening to the peace and integrity of the Union than any which I can conceive as likely to result from the simple legislative action of the Federal Government.

It was a leading object with the framers of the Constitution to keep as separate as possible the action of the legislative and executive branches of the Government. To secure this object nothing is more essential than to preserve the former from all temptations of private interest, and therefore so to direct the patronage of the latter as not to permit such temptations to be offered. Experience abundantly demonstrates that every precaution in this respect is a valuable safeguard of liberty, and one which my reflections upon the tendencies of our system incline me to think should be made still stronger. It was for this reason that, in connection with an amendment of the Constitution removing all intermediate agency in the choice of the President, I recommended some restrictions upon the reeligibility of that officer and upon the tenure of offices generally. The reason still exists, and I renew the recommendation with an increased confidence that its adoption will strengthen those checks by which the Constitution designed to secure the independence of each department of the Government and promote the healthful and equitable administration of all the trusts which it has created. The agent most likely to contravene this design of the Constitution is the Chief Magistrate. In order, particularly, that his appointment may as far as possible be placed beyond the reach of any improper influences; in order that he may approach the solemn responsibilities of the highest office in the gift of a free people uncommitted to any other course than the strict line of constitutional duty, and that the securities for this independence may be rendered as strong as the nature of power and the weakness of its possessor will admit, I can not too earnestly invite your attention to the propriety of promoting such an amendment of the Constitution as will render him ineligible after one term of service.

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress, and it is believed that their example will induce the remaining tribes also to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. The pecuniary advantages which it promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account

of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north and Louisiana on the south to the settlement of the whites it will incalculably strengthen the southwestern frontier and render the adjacent States strong enough to repel future invasions without remote aid. It will relieve the whole State of Mississippi and the western part of Alabama of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the Government and through the influence of good counsels, to cast off their savage habits and become an interesting, civilized, and Christian community. These consequences, some of them so certain and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session an object of much solicitude.

Toward the aborigines of the country no one can indulge a more friendly feeling than myself, or would go further in attempting to reclaim them from their wandering habits and make them a happy, prosperous people. I have endeavored to impress upon them my own solemn convictions of the duties and powers of the General Government in relation to the State authorities. For the justice of the laws passed by the States within the scope of their reserved powers they are not responsible to this Government. As individuals we may entertain and express our opinions of their acts, but as a Government we have as little right to control them as we have to prescribe laws for other nations.

With a full understanding of the subject, the Choctaw and the Chickasaw tribes have with great unanimity determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi River. Treaties have been made with them, which in due season will be submitted for consideration. In negotiating these treaties they were made to understand their true condition, and they have preferred maintaining their independence in the Western forests to submitting to the laws of the States in which they now reside. These treaties, being probably the last which will ever be made with them, are characterized by great liberality on the part of the Government. They give the Indians a liberal sum in consideration of their removal, and comfortable subsistence on their arrival at their new homes. If it be their real interest to maintain a separate existence, they will there be at liberty to do so without the inconveniences and vexations to which they would unavoidably have been subject in Alabama and Mississippi.

Humanity has often wept over the fate of the aborigines of this country, and Philanthropy has been long busily employed in devising means

to avert it, but its progress has never for a moment been arrested, and one by one have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race and to tread on the graves of extinct nations excite melancholy reflections. But true philanthropy reconciles the mind to these vicissitudes as it does to the extinction of one generation to make room for another. In the monuments and fortresses of an unknown people, spread over the extensive regions of the West, we behold the memorials of a once powerful race, which was exterminated or has disappeared to make room for the existing savage tribes. Nor is there anything in this which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive Republic, studded with cities, towns, and prosperous farms, embellished with all the improvements which art can devise or industry execute, occupied by more than 12,000,000 happy people, and filled with all the blessings of liberty, civilization, and religion?

The present policy of the Government is but a continuation of the same progressive change by a milder process. The tribes which occupied the countries now constituting the Eastern States were annihilated or have melted away to make room for the whites. The waves of population and civilization are rolling to the westward, and we now propose to acquire the countries occupied by the red men of the South and West by a fair exchange, and, at the expense of the United States, to send them to a land where their existence may be prolonged and perhaps made perpetual. Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did or than our children are now doing? To better their condition in an unknown land our forefathers left all that was dear in earthly objects. Our children by thousands yearly leave the land of their birth to seek new homes in distant regions. Does Humanity weep at these painful separations from everything, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection. These remove hundreds and almost thousands of miles at their own expense, purchase the lands they occupy, and support themselves at their new homes from the moment of their arrival. Can it be cruel in this Government when, by events which it can not control, the Indian is made discontented in his ancient home to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the West on such conditions! If the offers made to the

Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers than it is to our brothers and children? Rightly considered, the policy of the General Government toward the red man is not only liberal, but generous. He is unwilling to submit to the laws of the States and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.

In the consummation of a policy originating at an early period, and steadily pursued by every Administration within the present century—so just to the States and so generous to the Indians—the Executive feels it has a right to expect the cooperation of Congress and of all good and disinterested men. The States, moreover, have a right to demand it. It was substantially a part of the compact which made them members of our Confederacy. With Georgia there is an express contract; with the new States an implied one of equal obligation. Why, in authorizing Ohio, Indiana, Illinois, Missouri, Mississippi, and Alabama to form constitutions and become separate States, did Congress include within their limits extensive tracts of Indian lands, and, in some instances, powerful Indian tribes? Was it not understood by both parties that the power of the States was to be coextensive with their limits, and that with all convenient dispatch the General Government should extinguish the Indian title and remove every obstruction to the complete jurisdiction of the State governments over the soil? Probably not one of those States would have accepted a separate existence—certainly it would never have been granted by Congress—had it been understood that they were to be confined forever to those small portions of their nominal territory the Indian title to which had at the time been extinguished.

It is, therefore, a duty which this Government owes to the new States to extinguish as soon as possible the Indian title to all lands which Congress themselves have included within their limits. When this is done the duties of the General Government in relation to the States and the Indians within their limits are at an end. The Indians may leave the State or not, as they choose. The purchase of their lands does not alter in the least their personal relations with the State government. No act of the General Government has ever been deemed necessary to give the States jurisdiction over the persons of the Indians. That they possess by virtue of their sovereign power within their own limits in as full a manner before as after the purchase of the Indian lands; nor can this Government add to or diminish it.

May we not hope, therefore, that all good citizens, and none more zealously than those who think the Indians oppressed by subjection to

the laws of the States, will unite in attempting to open the eyes of those children of the forest to their true condition, and by a speedy removal to relieve them from all the evils, real or imaginary, present or prospective, with which they may be supposed to be threatened.

Among the numerous causes of congratulation the condition of our impost revenue deserves special mention, inasmuch as it promises the means of extinguishing the public debt sooner than was anticipated, and furnishes a strong illustration of the practical effects of the present tariff upon our commercial interests.

The object of the tariff is objected to by some as unconstitutional, and it is considered by almost all as defective in many of its parts.

The power to impose duties on imports originally belonged to the several States. The right to adjust those duties with a view to the encouragement of domestic branches of industry is so completely incidental to that power that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them, and consequently if it be not possessed by the General Government it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely can not be the case. This indispensable power thus surrendered by the States must be within the scope of the authority on the subject expressly delegated to Congress.

In this conclusion I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

The difficulties of a more expedient adjustment of the present tariff, although great, are far from being insurmountable. Some are unwilling to improve any of its parts because they would destroy the whole; others fear to touch the objectionable parts lest those they approve should be jeoparded. I am persuaded that the advocates of these conflicting views do injustice to the American people and to their representatives. The general interest is the interest of each, and my confidence is entire that to insure the adoption of such modifications of the tariff as the general interest requires it is only necessary that that interest should be understood.

It is an infirmity of our nature to mingle our interests and prejudices with the operation of our reasoning powers, and attribute to the objects of our likes and dislikes qualities they do not possess and effects they can not produce. The effects of the present tariff are doubtless overrated,

both in its evils and in its advantages. By one class of reasoners the reduced price of cotton and other agricultural products is ascribed wholly to its influence, and by another the reduced price of manufactured articles. The probability is that neither opinion approaches the truth, and that both are induced by that influence of interests and prejudices to which I have referred. The decrease of prices extends throughout the commercial world, embracing not only the raw material and the manufactured article, but provisions and lands. The cause must therefore be deeper and more pervading than the tariff of the United States. It may in a measure be attributable to the increased value of the precious metals, produced by a diminution of the supply and an increase in the demand, while commerce has rapidly extended itself and population has augmented. The supply of gold and silver, the general medium of exchange, has been greatly interrupted by civil convulsions in the countries from which they are principally drawn. A part of the effect, too, is doubtless owing to an increase of operatives and improvements in machinery. But on the whole it is questionable whether the reduction in the price of lands, produce, and manufactures has been greater than the appreciation of the standard of value.

While the chief object of duties should be revenue, they may be so adjusted as to encourage manufactures. In this adjustment, however, it is the duty of the Government to be guided by the general good. Objects of national importance alone ought to be protected. Of these the productions of our soil, our mines, and our workshops, essential to national defense, occupy the first rank. Whatever other species of domestic industry, having the importance to which I have referred, may be expected, after temporary protection, to compete with foreign labor on equal terms merit the same attention in a subordinate degree.

The present tariff taxes some of the comforts of life unnecessarily high; it undertakes to protect interests too local and minute to justify a general exaction, and it also attempts to force some kinds of manufactures for which the country is not ripe. Much relief will be derived in some of these respects from the measures of your last session.

The best as well as fairest mode of determining whether from any just considerations a particular interest ought to receive protection would be to submit the question singly for deliberation. If after due examination of its merits, unconnected with extraneous considerations—such as a desire to sustain a general system or to purchase support for a different interest—it should enlist in its favor a majority of the representatives of the people, there can be little danger of wrong or injury in adjusting the tariff with reference to its protective effect. If this obviously just principle were honestly adhered to, the branches of industry which deserve protection would be saved from the prejudice excited against them when that protection forms part of a system by which portions of the country feel or conceive themselves to be oppressed. What is incalculably

more important, the vital principle of our system—that principle which requires acquiescence in the will of the majority—would be secure from the discredit and danger to which it is exposed by the acts of majorities founded not on identity of conviction, but on combinations of small minorities entered into for the purpose of mutual assistance in measures which, resting solely on their own merits, could never be carried.

I am well aware that this is a subject of so much delicacy, on account of the extended interests it involves, as to require that it should be touched with the utmost caution, and that while an abandonment of the policy in which it originated—a policy coeval with our Government, and pursued through successive Administrations—is neither to be expected or desired, the people have a right to demand, and have demanded, that it be so modified as to correct abuses and obviate injustice.

That our deliberations on this interesting subject should be uninfluenced by those partisan conflicts that are incident to free institutions is the fervent wish of my heart. To make this great question, which unhappily so much divides and excites the public mind, subservient to the short-sighted views of faction must destroy all hope of settling it satisfactorily to the great body of the people and for the general interest. I can not, therefore, in taking leave of the subject, too earnestly for my own feelings or the common good warn you against the blighting consequences of such a course.

According to the estimates at the Treasury Department, the receipts in the Treasury during the present year will amount to $24,161,018, which will exceed by about $300,000 the estimate presented in the last annual report of the Secretary of the Treasury. The total expenditure during the year, exclusive of public debt, is estimated at $13,742,311, and the payment on account of public debt for the same period will have been $11,354,630, leaving a balance in the Treasury on the 1st of January, 1831, of $4,819,781.

In connection with the condition of our finances, it affords me pleasure to remark that judicious and efficient arrangements have been made by the Treasury Department for securing the pecuniary responsibility of the public officers and the more punctual payment of the public dues. The Revenue-Cutter Service has been organized and placed on a good footing, and aided by an increase of inspectors at exposed points, and regulations adopted under the act of May, 1830, for the inspection and appraisement of merchandise, has produced much improvement in the execution of the laws and more security against the commission of frauds upon the revenue. Abuses in the allowances for fishing bounties have also been corrected, and a material saving in that branch of the service thereby effected. In addition to these improvements the system of expenditure for sick seamen belonging to the merchant service has been revised, and being rendered uniform and economical the benefits of the fund applicable to this object have been usefully extended.

The prosperity of our country is also further evinced by the increased revenue arising from the sale of public lands, as will appear from the report of the Commissioner of the General Land Office and the documents accompanying it, which are herewith transmitted. I beg leave to draw your attention to this report, and to the propriety of making early appropriations for the objects which it specifies.

Your attention is again invited to the subjects connected with that portion of the public interests intrusted to the War Department. Some of them were referred to in my former message, and they are presented in detail in the report of the Secretary of War herewith submitted. I refer you also to the report of that officer for a knowledge of the state of the Army, fortifications, arsenals, and Indian affairs, all of which it will be perceived have been guarded with zealous attention and care. It is worthy of your consideration whether the armaments necessary for the fortifications on our maritime frontier which are now or shortly will be completed should not be in readiness sooner than the customary appropriations will enable the Department to provide them. This precaution seems to be due to the general system of fortification which has been sanctioned by Congress, and is recommended by that maxim of wisdom which tells us in peace to prepare for war.

I refer you to the report of the Secretary of the Navy for a highly satisfactory account of the manner in which the concerns of that Department have been conducted during the present year. Our position in relation to the most powerful nations of the earth, and the present condition of Europe, admonish us to cherish this arm of our national defense with peculiar care. Separated by wide seas from all those Governments whose power we might have reason to dread, we have nothing to apprehend from attempts at conquest. It is chiefly attacks upon our commerce and harassing inroads upon our coast against which we have to guard. A naval force adequate to the protection of our commerce, always afloat, with an accumulation of the means to give it a rapid extension in case of need, furnishes the power by which all such aggressions may be prevented or repelled. The attention of the Government has therefore been recently directed more to preserving the public vessels already built and providing materials to be placed in depot for future use than to increasing their number. With the aid of Congress, in a few years the Government will be prepared in case of emergency to put afloat a powerful navy of new ships almost as soon as old ones could be repaired.

The modifications in this part of the service suggested in my last annual message, which are noticed more in detail in the report of the Secretary of the Navy, are again recommended to your serious attention.

The report of the Postmaster-General in like manner exhibits a satisfactory view of the important branch of the Government under his charge. In addition to the benefits already secured by the operations of

the Post-Office Department, considerable improvements within the present year have been made by an increase in the accommodation afforded by stage coaches, and in the frequency and celerity of the mail between some of the most important points of the Union.

Under the late contracts improvements have been provided for the southern section of the country, and at the same time an annual saving made of upward of $72,000. Notwithstanding the excess of expenditure beyond the current receipts for a few years past, necessarily incurred in the fulfillment of existing contracts and in the additional expenses between the periods of contracting to meet the demands created by the rapid growth and extension of our flourishing country, yet the satisfactory assurance is given that the future revenue of the Department will be sufficient to meet its extensive engagements. The system recently introduced that subjects its receipts and disbursements to strict regulation has entirely fulfilled its designs. It gives full assurance of the punctual transmission, as well as the security of the funds of the Department. The efficiency and industry of its officers and the ability and energy of contractors justify an increased confidence in its continued prosperity.

The attention of Congress was called on a former occasion to the necessity of such a modification in the office of Attorney-General of the United States as would render it more adequate to the wants of the public service. This resulted in the establishment of the office of Solicitor of the Treasury, and the earliest measures were taken to give effect to the provisions of the law which authorized the appointment of that officer and defined his duties. But it is not believed that this provision, however useful in itself, is calculated to supersede the necessity of extending the duties and powers of the Attorney-General's Office. On the contrary, I am convinced that the public interest would be greatly promoted by giving to that officer the general superintendence of the various law agents of the Government, and of all law proceedings, whether civil or criminal, in which the United States may be interested, allowing him at the same time such a compensation as would enable him to devote his undivided attention to the public business. I think such a provision is alike due to the public and to the officer.

Occasions of reference from the different Executive Departments to the Attorney-General are of frequent occurrence, and the prompt decision of the questions so referred tends much to facilitate the dispatch of business in those Departments. The report of the Secretary of the Treasury hereto appended shows also a branch of the public service not specifically intrusted to any officer which might be advantageously committed to the Attorney-General. But independently of those considerations this office is now one of daily duty. It was originally organized and its compensation fixed with a view to occasional service, leaving to the incumbent time for the exercise of his profession in private practice. The

state of things which warranted such an organization no longer exists. The frequent claims upon the services of this officer would render his absence from the seat of Government in professional attendance upon the courts injurious to the public service, and the interests of the Government could not fail to be promoted by charging him with the general superintendence of all its legal concerns.

Under a strong conviction of the justness of these suggestions, I recommend it to Congress to make the necessary provisions for giving effect to them, and to place the Attorney-General in regard to compensation on the same footing with the heads of the several Executive Departments. To this officer might also be intrusted a cognizance of the cases of insolvency in public debtors, especially if the views which I submitted on this subject last year should meet the approbation of Congress—to which I again solicit your attention.

Your attention is respectfully invited to the situation of the District of Columbia. Placed by the Constitution under the exclusive jurisdiction and control of Congress, this District is certainly entitled to a much greater share of its consideration than it has yet received. There is a want of uniformity in its laws, particularly in those of a penal character, which increases the expense of their administration and subjects the people to all the inconveniences which result from the operation of different codes in so small a territory. On different sides of the Potomac the same offense is punishable in unequal degrees, and the peculiarities of many of the early laws of Maryland and Virginia remain in force, notwithstanding their repugnance in some cases to the improvements which have superseded them in those States.

Besides a remedy for these evils, which is loudly called for, it is respectfully submitted whether a provision authorizing the election of a delegate to represent the wants of the citizens of this District on the floor of Congress is not due to them and to the character of our Government. No portion of our citizens should be without a practical enjoyment of the principles of freedom, and there is none more important than that which cultivates a proper relation between the governors and the governed. Imperfect as this must be in this case, yet it is believed that it would be greatly improved by a representation in Congress with the same privileges that are allowed to the other Territories of the United States.

The penitentiary is ready for the reception of convicts, and only awaits the necessary legislation to put it into operation, as one object of which I beg leave to recall your attention to the propriety of providing suitable compensation for the officers charged with its inspection.

The importance of the principles involved in the inquiry whether it will be proper to recharter the Bank of the United States requires that I should again call the attention of Congress to the subject. Nothing has occurred to lessen in any degree the dangers which many of our citizens apprehend from that institution as at present organized. In the spirit

of improvement and compromise which distinguishes our country and its institutions it becomes us to inquire whether it be not possible to secure the advantages afforded by the present bank through the agency of a Bank of the United States so modified in its principles and structure as to obviate constitutional and other objections.

It is thought practicable to organize such a bank with the necessary officers as a branch of the Treasury Department, based on the public and individual deposits, without power to make loans or purchase property, which shall remit the funds of the Government, and the expense of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange to private individuals at a moderate premium. Not being a corporate body, having no stockholders, debtors, or property, and but few officers, it would not be obnoxious to the constitutional objections which are urged against the present bank; and having no means to operate on the hopes, fears, or interests of large masses of the community, it would be shorn of the influence which makes that bank formidable. The States would be strengthened by having in their hands the means of furnishing the local paper currency through their own banks, while the Bank of the United States, though issuing no paper, would check the issues of the State banks by taking their notes in deposit and for exchange only so long as they continue to be redeemed with specie. In times of public emergency the capacities of such an institution might be enlarged by legislative provisions.

These suggestions are made not so much as a recommendation as with a view of calling the attention of Congress to the possible modifications of a system which can not continue to exist in its present form without occasional collisions with the local authorities and perpetual apprehensions and discontent on the part of the States and the people.

In conclusion, fellow-citizens, allow me to invoke in behalf of your deliberations that spirit of conciliation and disinterestedness which is the gift of patriotism. Under an overruling and merciful Providence the agency of this spirit has thus far been signalized in the prosperity and glory of our beloved country. May its influence be eternal.

ANDREW JACKSON.

SPECIAL MESSAGES.

To the Senate of the United States. DECEMBER 9, 1830.

GENTLEMEN: I transmit herewith a treaty concluded by commissioners duly authorized on the part of the United States with the Choctaw tribe of Indians, which, with explanatory documents, is submitted to the Senate for their advice and consent as to the ratification of the same.

ANDREW JACKSON.

WASHINGTON, *December 10, 1830.*

To the Senate of the United States:

I transmit to the Senate printed copies of the convention between the United States and His Majesty the King of Denmark, concluded at Copenhagen on the 28th March, 1830, and ratified by and with the advice and consent of the Senate.

ANDREW JACKSON.

[The same message was sent to the House of Representatives.]

WASHINGTON, *December 10, 1830.*

To the Senate of the United States:

I submit for the consideration of the Senate a treaty of commerce and navigation, together with a separate and secret article, concluded at Constantinople on the 7th day of May last, and signed by Charles Rhind, James Biddle, and David Offley as commissioners on the part of the United States, and by Mahommed Hamed, reis effendi, on the part of the Sublime Porte.

The French versions herewith transmitted, and accompanied by copies and English translations of the same, are transcripts of the original translations from the Turkish, signed by the commissioners of the United States and delivered to the Government of the Sublime Porte.

The paper in Turkish is the original signed by the Turkish plenipotentiary and delivered by him to the American commissioners. Of this a translation into the English language, and believed to be correct, is likewise transmitted.

ANDREW JACKSON.

WASHINGTON, *December 15, 1830.*

To the Senate and House of Representatives.

GENTLEMEN: From information received at the Department of State it is ascertained that owing to unforeseen circumstances several of the marshals have been unable to complete the enumeration of the inhabitants of the United States within the time prescribed by the act of the 23d March, 1830, viz, by the 1st day of the present month.

As the completion of the Fifth Census as respects several of the States of the Union will have been defeated unless Congress, to whom the case is submitted, shall by an act of the present session allow further time for making the returns in question, the expediency is suggested of allowing such an act to pass at as early a day as possible.

ANDREW JACKSON.

To the Senate of the United States: DECEMBER 20, 1830.

In compliance with the resolution of the Senate of the 14th instant, calling for copies of any letters or other communications which may have

been received at the Department of War from the chiefs and headmen, or any of them, of the Choctaw tribe of Indians since the treaty entered into by the commissioners on the part of the United States with that tribe of Indians at Dancing Rabbit Creek, and also for information showing the number of Indians belonging to that tribe who have emigrated to the country west of the Mississippi, etc., I submit herewith a report from the Secretary of War, containing the information requested.

ANDREW JACKSON.

WASHINGTON, *December 20, 1830.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 16th instant, calling for certain papers relative to the negotiation of the treaty between the United States and Turkey now before the Senate, I communicate the inclosed report of the Secretary of State, accompanied by the documents and containing the information requested.

ANDREW JACKSON.

DECEMBER 29, 1830.

To the Senate of the United States:

I submit to the consideration of the Senate two treaties—one of peace, the other of cession—concluded at Prairie du Chien on the 10th and 15th July, 1830, by commissioners duly authorized on the part of the United States and by deputations of the confederated tribes of Indians residing on the Upper Mississippi.

ANDREW JACKSON.

DECEMBER 30, 1830.

To the Senate of the United States:

A vacancy having arisen in the office of brigadier in consequence of the removal of General John Nicks from the Territory of Arkansas to Cantonment Gibson, I nominated at your last session William Montgomery to be general of the second brigade of militia of said Territory. By this communication I desire to correct the Journal of the Senate and my message of the 22d of April, 1830, so as to exclude the idea that General Nicks was removed from office.

ANDREW JACKSON.

WASHINGTON, *December 31, 1830.*

To the Senate and House of Representatives of the United States:

I transmit herewith to Congress a copy of a correspondence which lately passed between Major-General Von Scholten, His Danish Majesty's governor-general of his West India possessions and special

minister to the United States, and Mr. Van Buren, Secretary of State, concerning the regulation of the commercial intercourse between those possessions and the United States, which comprehends the propositions that General Von Scholten made to this Government in behalf of his Sovereign upon that subject and the answers of the Secretary of State to the same, the last showing the grounds upon which this Government declined acceding to the overtures of the Danish envoy.

This correspondence is now submitted to the two Houses of Congress in compliance with the wish and request of General Von Scholten himself, and under the full persuasion upon my part that it will receive all the attention and consideration to which the very friendly relations that have so long subsisted between the United States and the King of Denmark especially entitle it in the councils of this Union.

ANDREW JACKSON.

JANUARY 3, 1831.

To the Senate of the United States:

Since my message of the 20th of December last, transmitting to the Senate a report from the Secretary of War, with information requested by the resolution of the Senate of the 14th December, in relation to the treaty concluded at Dancing Rabbit Creek with the Choctaw Indians, I have received the two letters which are herewith inclosed, containing further information on the subject.

ANDREW JACKSON.

WASHINGTON, *January 3, 1831.*

To the Senate and House of Representatives of the United States:

I communicate to Congress the papers relating to the recent arrangement with Great Britain with respect to the trade between her colonial possessions and the United States, to which reference was made in my message at the opening of the present session.

It will appear from those documents that owing to the omission in the act of the 29th of May last of a clause expressly restricting importations into the British colonies in American vessels to the productions of the United States, to the amendment engrafted upon that act in the House of Representatives, providing that when the trade with the West India colonies should be opened the commercial intercourse of the United States with all other parts of the British dominions or possessions should be left on a footing not less favorable to the United States than it now is, and to the act not specifying the terms upon which British vessels coming from the northern colonies should be admitted to entry into the ports of the United States, an apprehension was entertained by the Government of Great Britain that under the contemplated arrangement claims might be set up on our part inconsistent with the propositions submitted by our

minister and with the terms to which she was willing to agree, and that this circumstance led to explanations between Mr. McLane and the Earl of Aberdeen respecting the intentions of Congress and the true construction to be given to the act referred to.

To the interpretation given by them to that act I did not hesitate to agree. It was quite clear that in adopting the amendment referred to Congress could not have intended to preclude future alterations in the existing intercourse between the United States and other parts of the British dominions; and the supposition that the omission to restrict in terms the importations to the productions of the country to which the vessels respectively belong was intentional was precluded by the propositions previously made by this Government to that of Great Britain, and which were before Congress at the time of the passage of the act; by the principles which govern the maritime legislation of the two countries and by the provisions of the existing commercial treaty between them.

Actuated by this view of the subject, and convinced that it was in accordance with the real intentions of Congress, I felt it my duty to give effect to the arrangement by issuing the required proclamation, of which a copy is likewise herewith communicated.

ANDREW JACKSON.

JANUARY 5, 1831.

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 17th of December last, calling for information on the subject of internal improvement, I submit herewith a report from the Secretaries of War and Treasury, containing the information required.

ANDREW JACKSON.

JANUARY 7, 1831.

To the House of Representatives:

I beg leave to call the attention of Congress to the accompanying report from the Navy Department, upon the state of the accounts of the Navy in the office of the Fourth Auditor, and to suggest the necessity of correcting the evils complained of by early legislation.

ANDREW JACKSON.

WASHINGTON, *January 11, 1831.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit to Congress a report of the Secretary of State, with the report to him from the Patent Office which accompanied it, in relation to the concerns of that office, and recommend the whole subject to early and favorable consideration.

ANDREW JACKSON.

[The same message was sent to the Senate.]

JANUARY 15, 1831.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 23d ultimo, requesting to be informed of the quantity of live-oak timber in the United States, where it is, and what means are employed to preserve it, I present herewith a report of the Secretary of the Navy, containing the information required.

ANDREW JACKSON.

JANUARY 15, 1831.

To the House of Representatives:

I submit to the consideration of Congress the accompanying report and documents from the Navy Department, in relation to the capture of the Spanish slave vessel called *The Fenix*, and recommend that suitable legislative provision be made for the maintenance of the unfortunate captives pending the legislation which has grown out of the case.

ANDREW JACKSON.

JANUARY 24, 1831.

To the Senate of the United States:

I transmit herewith a report from the Secretary of War, containing the information requested by the resolution of the Senate of the 21st instant, in relation to "the state of the British establishments in the valley of the Columbia and the state of the fur trade as carried on by the citizens of the United States and the Hudsons Bay Company."

ANDREW JACKSON.

JANUARY 25, 1831.

To the House of Representatives:

I beg leave to call the attention of Congress to the inclosed communication from the Secretary of the Navy, in relation to the pay and other allowances of the officers of the Marine Corps, and to recommend the adoption of the legislative provisions suggested in it.

ANDREW JACKSON.

WASHINGTON, D. C., *January 26, 1831.*

To the Senate of the United States:

In pursuance of the advice and consent of the Senate as expressed in their resolution of the 10th February, 1830, the treaty of commerce and navigation between the United States and Austria concluded in this city on the 27th of August, 1829, was duly ratified by this Government on the 11th day of the same month of February; but the treaty itself containing a stipulation that the ratifications of the two parties to it should be

exchanged within twelve months from the date of its signature, and that of the Austrian Government not having been received here till after the expiration of the time limited, I have not thought myself at liberty under these circumstances, without the additional advice and consent of the Senate, to authorize that ceremony on the part of this Government. Information having been received at the Department of State from the Austrian representative in the United States that he is prepared to proceed to the exchange of the ratifications of his Government for that of this, the question is therefore submitted to the Senate for their advice and consent upon the occasion.

ANDREW JACKSON.

FEBRUARY 3, 1831.

To the Senate of the United States:

I respectfully submit to the Senate, in answer to their legislative resolution of the 20th ultimo, in relation to the sales of land at the Crawfordsville land office in November last, reports from the Secretary of the Treasury and the Commissioner of the General Land Office.

Concurring with the Secretary of the Treasury in the views he has taken of the treaties and act of Congress touching the subject, I can not discover that the President is invested with any power under the Constitution or laws to withhold a patent from a purchaser who has given a fair and valuable consideration for land, and thereby acquired a vested right to the same; nor do I perceive that the sole legislative resolution of the Senate can confer such a power, or suspend the right of the citizens to enter the lands that have been offered for sale in said district and remain unsold, so long as the law authorizing the same remains unrepealed.

I beg leave, therefore, to present the subject to the reconsideration of the Senate.

ANDREW JACKSON.

WASHINGTON, *February 3, 1831.*

To the House of Representatives:

I transmit to the House of Representatives a report from the Treasury Department, in compliance with the resolution of the House of Representatives of the 3d ultimo, calling for the correspondence in relation to locating a cession of lands made or intended to be made by the Pottawattamie tribe of Indians for the benefit of the State of Indiana, etc.

ANDREW JACKSON.

To the House of Representatives of the United States:

I communicate to the House of Representatives, in compliance with their resolution of the 29th of January last, calling for information and papers respecting the seizure of American vessels by the naval forces of

Portugal forming the blockade of the island of Terceira, a report from the Secretary of State, which, with the documents accompanying it, contains the information in his Department upon that subject, and avail myself of the occasion further to inform the House of Representatives that orders had before the introduction of the resolution referred to been given to fit out a ship of war for the more effectual protection of our commerce in that quarter.

ANDREW JACKSON.

FEBRUARY 16, 1831

WASHINGTON, *February 19, 1831.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I present for the consideration of Congress a report from the Secretary of War, relative to a compromise of title of the island on which Fort Delaware has been constructed.

ANDREW JACKSON.

[The same message was sent to the Senate.]

To the Congress of the United States: FEBRUARY 22, 1831.

I transmit to Congress a letter from Mr. Rhind, stating the circumstances under which he received the four Arabian horses that were brought by him to the United States from Turkey. His letter will enable Congress to decide what ought to be done with them.

ANDREW JACKSON.

To the Senate of the United States: FEBRUARY 22, 1831.

I have received your resolution of the 15th instant, requesting me "to inform the Senate whether the provisions of the act entitled 'An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers,' passed the 30th of March, 1802, have been fully complied with on the part of the United States Government, and if they have not that he inform the Senate of the reasons that have induced the Government to decline the enforcement of said act," and I now reply to the same.

According to my views of the act referred to, I am not aware of any omission to carry into effect its provisions in relation to trade and intercourse with the Indian tribes so far as their execution depended on the agency confided to the Executive.

The numerous provisions of that act designed to secure to the Indians the peaceable possession of their lands may be reduced, substantially, to the following: That citizens of the United States are restrained under sufficient penalties from entering upon the lands for the purpose of hunting thereon, or of settling them, or of giving their horses and cattle the

benefit of a range upon them, or of traveling through them without a written permission; and that the President of the United States is authorized to employ the military force of the country to secure the observance of these provisions. The authority to the President, however, is not imperative. The language is:

> It shall be lawful for the President to take such measures and to employ such military force as he may judge necessary to remove from lands belonging to or secured by treaty to any Indian tribe any citizen who shall make a settlement thereon.

By the nineteenth section of this act it is provided that nothing in it "shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of citizens of the United States and being within the ordinary jurisdiction of any of the individual States." This provision I have interpreted as being prospective in its operation and as applicable not only to Indian tribes which at the date of its passage were subject to the jurisdiction of any State, but to such also as should thereafter become so. To this construction of its meaning I have endeavored to conform, and have taken no step inconsistent with it. As soon, therefore, as the sovereign power of the State of Georgia was exercised by an extension of her laws throughout her limits, and I had received information of the same, orders were given to withdraw from the State the troops which had been detailed to prevent intrusion upon the Indian lands within it, and these orders were executed. The reasons which dictated them shall be frankly communicated.

The principle recognized in the section last quoted was not for the first time then avowed. It is conformable to the uniform practice of the Government before the adoption of the Constitution, and amounts to a distinct recognition by Congress at that early day of the doctrine that that instrument had not varied the powers of the Federal Government over Indian affairs from what they were under the Articles of Confederation. It is not believed that there is a single instance in the legislation of the country in which the Indians have been regarded as possessing political rights independent of the control and authority of the States within the limits of which they resided. As early as the year 1782 the Journals of Congress will show that no claim of such a character was countenanced by that body. In that year the application of a tribe of Indians residing in South Carolina to have certain tracts of land which had been reserved for their use in that State secured to them free from intrusion, and without the right of alienating them even with their own consent, was brought to the consideration of Congress by a report from the Secretary of War. The resolution which was adopted on that occasion is as follows:

> *Resolved*, That it be recommended to the legislature of South Carolina to take such measures for the satisfaction and security of said tribes as the said legislature in their wisdom may think fit.

Here is no assertion of the right of Congress under the Articles of Confederation to interfere with the jurisdiction of the States over Indians within their limits, but rather a negation of it. They refused to interfere with the subject, and referred it under a general recommendation back to the State, to be disposed of as her wisdom might decide.

If in addition to this act and the language of the Articles of Confederation anything further can be wanting to show the early views of the Government on the subject, it will be found in the proclamation issued by Congress in 1783. It contains this language:

> The United States in Congress assembled have thought proper to issue their proclamation, and they do hereby prohibit and forbid all persons from making settlements on lands inhabited or claimed by Indians without the limits or jurisdiction of any particular State.

And again:

> *Resolved*, That the preceding measures of Congress relative to Indian affairs shall not be construed to affect the territorial claims of any of the States or their legislative rights within their respective limits.

It was not then pretended that the General Government had the power in their relations with the Indians to control or oppose the internal polity of the individual States of this Union, and if such was the case under the Articles of Confederation the only question on the subject since must arise out of some more enlarged power or authority given to the General Government by the present Constitution. Does any such exist?

Amongst the enumerated grants of the Constitution that which relates to this subject is expressed in these words: "Congress shall have power to regulate commerce with the Indian tribes." In the interpretation of this power we ought certainly to be guided by what had been the practice of the Government and the meaning which had been generally attached to the resolves of the old Congress if the words used to convey it do not clearly import a different one, as far as it affects the question of jurisdiction in the individual States. The States ought not to be divested of any part of their antecedent jurisdiction by implication or doubtful construction. Tested by this rule it seems to me to be unquestionable that the jurisdiction of the States is left untouched by this clause of the Constitution, and that it was designed to give to the General Government complete control over the trade and intercourse of those Indians only who were not within the limits of any State.

From a view of the acts referred to and the uniform practice of the Government it is manifest that until recently it has never been maintained that the right of jurisdiction by a State over Indians within its territory was subordinate to the power of the Federal Government. That doctrine has not been enforced nor even asserted in any of the States of New England where tribes of Indians have resided, and where a few of

them yet remain. These tribes have been left to the undisturbed control of the States in which they were found, in conformity with the view which has been taken of the opinions prevailing up to 1789 and the clear interpretation of the act of 1802. In the State of New York, where several tribes have resided, it has been the policy of the Government to avoid entering into quasi treaty engagements with them, barely appointing commissioners occasionally on the part of the United States to facilitate the objects of the State in its negotiations with them. The Southern States present an exception to this policy. As early as 1784 the settlements within the limits of North Carolina were advanced farther to the west than the authority of the State to enforce an obedience of its laws. Others were in a similar condition. The necessities, therefore, and not the acknowledged principles, of the Government must have suggested the policy of treating with the Indians in that quarter as the only practicable mode of conciliating their good will. The United States at that period had just emerged from a protracted war for the achievement of their independence. At the moment of its conclusion many of these tribes, as powerful as they were ferocious in their mode of warfare, remained in arms, desolating our frontier settlements. Under these circumstances the first treaties, in 1785 and 1790, with the Cherokees, were concluded by the Government of the United States, and were evidently sanctioned as measures of necessity adapted to the character of the Indians and indispensable to the peace and security of the western frontier. But they can not be understood as changing the political relations of the Indians to the States or to the Federal Government. To effect this would have required the operation of quite a different principle and the intervention of a tribunal higher than that of the treaty-making power.

To infer from the assent of the Government to this deviation from the practice which had before governed its intercourse with the Indians, and the accidental forbearance of the States to assert their right of jurisdiction over them, that they had surrendered this portion of their sovereignty, and that its assumption now is usurpation, is conceding too much to the necessity which dictated those treaties, and doing violence to the principles of the Government and the rights of the States without benefiting in the least degree the Indians. The Indians thus situated can not be regarded in any other light than as members of a foreign government or of that of the State within whose chartered limits they reside. If in the former, the ordinary legislation of Congress in relation to them is not warranted by the Constitution, which was established for the benefit of our own, not of a foreign people. If in the latter, then, like other citizens or people resident within the limits of the States, they are subject to their jurisdiction and control. To maintain a contrary doctrine and to require the Executive to enforce it by the employment of a military force would be to place in his hands a power to make war upon the rights of the States and the liberties of the country—a power which should be placed in the hands of no individual.

If, indeed, the Indians are to be regarded as people possessing rights which they can exercise independently of the States, much error has arisen in the intercourse of the Government with them. Why is it that they have been called upon to assist in our wars without the privilege of exercising their own discretion? If an independent people, they should as such be consulted and advised with; but they have not been. In an order which was issued to me from the War Department in September, 1814, this language is employed:

> All the friendly Indians should be organized and prepared to cooperate with your other forces. There appears to be some dissatisfaction among the Choctaws; their friendship and services should be secured without delay. The friendly Indians must be fed and paid, and *made to fight when* and *where their services may be required.*

To an independent and foreign people this would seem to be assuming, I should suppose, rather too lofty a tone—one which the Government would not have assumed if they had considered them in that light. Again, by the Constitution the power of declaring war belongs exclusively to Congress. We have been often engaged in war with the Indian tribes within our limits, but when have these hostilities been preceded or accompanied by an act of Congress declaring war against the tribe which was the object of them? And was the prosecution of such hostilities an usurpation in each case by the Executive which conducted them of the constitutional power of Congress? It must have been so, I apprehend, if these tribes are to be considered as foreign and independent nations.

The steps taken to prevent intrusion upon Indian lands had their origin with the commencement of our Government, and became the subject of special legislation in 1802, with the reservations which have been mentioned in favor of the jurisdiction of the States. With the exception of South Carolina, who has uniformly regulated the Indians within her limits without the aid of the General Government, they have been felt within all the States of the South without being understood to affect their rights or prevent the exercise of their jurisdiction, whenever they were in a situation to assume and enforce it. Georgia, though materially concerned, has on this principle forborne to spread her legislation farther than the settlements of her own white citizens, until she has recently perceived within her limits a people claiming to be capable of self-government, sitting in legislative council, organizing courts and administering justice. To disarm such an anomalous invasion of her sovereignty she has declared her determination to execute her own laws throughout her limits—a step which seems to have been anticipated by the proclamation of 1783, and which is perfectly consistent with the nineteenth section of the act of 1802. According to the language and reasoning of that section, the tribes to the South and the Southwest are not only "surrounded by settlements of the citizens of the United States,"

but are now also "within the ordinary jurisdiction of the individual States." They became so from the moment the laws of the State were extended over them, and the same result follows the similar determination of Alabama and Mississippi. These States have each a right to claim in behalf of their position now on this question the same respect which is conceded to the other States of the Union.

Toward this race of people I entertain the kindest feelings, and am not sensible that the views which I have taken of their true interests are less favorable to them than those which oppose their emigration to the West. Years since I stated to them my belief that if the States chose to extend their laws over them it would not be in the power of the Federal Government to prevent it. My opinion remains the same, and I can see no alternative for them but that of their removal to the West or a quiet submission to the State laws. If they prefer to remove, the United States agree to defray their expenses, to supply them the means of transportation and a year's support after they reach their new homes—a provision too liberal and kind to deserve the stamp of injustice. Either course promises them peace and happiness, whilst an obstinate perseverance in the effort to maintain their possessions independent of the State authority can not fail to render their condition still more helpless and miserable. Such an effort ought, therefore, to be discountenanced by all who sincerely sympathize in the fortunes of this peculiar people, and especially by the political bodies of the Union, as calculated to disturb the harmony of the two Governments and to endanger the safety of the many blessings which they enable us to enjoy.

As connected with the subject of this inquiry, I beg leave to refer to the accompanying letter from the Secretary of War, inclosing the orders which proceeded from that Department, and a letter from the governor of Georgia.

ANDREW JACKSON.

WASHINGTON, *February 26, 1831.*

To the Senate of the United States:

The inclosed report* of the Secretary of War is herewith inclosed in answer to the resolution of the Senate of yesterday's date.

ANDREW JACKSON.

To the Senate of the United States:

I present for the consideration of the Senate articles of agreement entered into and concluded by commissioners duly appointed on the part of the United States and the chiefs of the Menominee tribe of Indians at Green Bay. Various attempts were made to reconcile the conflicting interests of the New York Indians, but without success, as will appear

*Relative to the expenditure of appropriations for improving the Ohio and Mississippi rivers.

by the report made by the Secretary of War. No stipulation in their favor could be introduced into the agreement without the consent of the Menominees, and that consent could not be obtained to any greater extent than the articles show.

Congress only is competent now to adjust and arrange these differences and satisfy the demands of the New York Indians. The whole matter is respectfully submitted.

ANDREW JACKSON.

FEBRUARY 28, 1831.

To the Senate of the United States:

I submit to the consideration of the Senate of the United States articles of agreement and convention concluded this day between the United States, by a commissioner duly authorized, and the Seneca tribe of Indians resident in the State of Ohio.

ANDREW JACKSON.

FEBRUARY 28, 1831.

FEBRUARY 28, 1831.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES:

I lay before the House of Representatives a treaty recently concluded with the Choctaw tribe of Indians, that provision may be made for carrying the same into effect agreeably to the estimate heretofore presented by the Secretary of War to the Committee of Ways and Means. It is a printed copy as it passed the Senate, no amendment having been made except to strike out the preamble. I also communicate a letter from the Secretary of War on this subject.

ANDREW JACKSON.

To the Senate of the United States: MARCH 1, 1831.

I transmit herewith, for the use of the Senate, printed copies of the treaties which have been lately ratified between the United States and the Choctaw Indians and between the United States and the confederated tribes of the Sacs and Foxes and other tribes.

ANDREW JACKSON.

[The same message was sent to the House of Representatives.]

WASHINGTON, *March 2, 1831.*

To the Senate and House of Representatives of the United States:

I communicate to Congress a treaty of commerce and navigation between the United States and the Emperor of Austria, concluded in this city on the 28th March, 1830, the ratifications of which were exchanged on the 10th of February last.

ANDREW JACKSON.

MARCH 2, 1831.

To the Senate of the United States:

John H. Clack, a master commandant in the Navy of the United States, having rank as such from the 24th April, 1828, was on the sentence of a court-martial, which was approved by me, ordered to be dismissed from the service. On a reexamination of the record of the trial I am satisfied that the proceeding was illegal in substance, and therefore that the sentence was void.

To restore the party to the rights of which he was deprived by the enforcement of a sentence which was in law erroneous and void, I nominate the said John H. Clack to be a master commandant in the Navy of the United States, to take rank as such from the 24th April, 1828.

ANDREW JACKSON.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas information has been transmitted to the President of the United States by the governor of the Territory of Arkansas that certain persons pretending to act under the authority of the Mexican Government, and without any lawful right or power derived from that of the United States, have attempted to and do survey, for sale and settlement, a portion of the public lands in said Territory, and particularly in the counties of Lafayette, Sevier, and Miller, and have presumed to and do administer to the citizens residing in said counties the oath of allegiance to the said Mexican Government; and

Whereas such acts and practices are contrary to the law of the land and the provisions of the act of Congress approved the 3d day of March, A. D. 1807, and are offenses against the peace and public tranquillity of the said Territory and the inhabitants thereof:

Now, therefore, be it known that I, Andrew Jackson, President of the United States, by virtue of the power and authority vested in me in and by the said act of Congress, do issue this my proclamation, commanding and strictly enjoining all persons who have unlawfully entered upon, taken possession of, or made any settlement on the public lands in the said counties of Lafayette, Sevier, or Miller, or who may be in the unlawful occupation or possession of the same, or any part thereof, forthwith to depart and remove therefrom; and I do hereby command and require the marshal of the said Territory of Arkansas, or other officer or officers acting as such marshal, from and after the 15th day of April next to

remove or cause to be removed all persons who may then unlawfully be upon, in possession of, or who may unlawfully occupy any of the public lands in the said counties of Lafayette, Sevier, or Miller, or who may be surveying or attempting to survey the same without any authority therefor from the Government of the United States; and to execute and carry into effect this proclamation I do hereby authorize the employment of such military force as may be necessary pursuant to the act of Congress aforesaid, and warn all offenders in the premises that they will be prosecuted and punished in such other way and manner as may be consistent with the provisions and requisitions of the law in such case made and provided.

Done at the city of Washington, this 10th day of February, A. D. 1831, and of the Independence of the United States of America the fifty-fifth.

ANDREW JACKSON.

By the President.

EXECUTIVE ORDER.

WASHINGTON, *August 6, 1831.*

ACTING SECRETARY OF WAR.

SIR: You will, after the receipt of this, report to the President for dismissal every clerk in your office who shall avail himself of the benefit of the insolvent debtors' act for debts contracted during my Administration.

Very respectfully,

ANDREW JACKSON.

[The same order was addressed to the Secretary of the Navy.]

THIRD ANNUAL MESSAGE.

DECEMBER 6, 1831.

Fellow-Citizens of the Senate and House of Representatives:

The representation of the people has been renewed for the twenty-second time since the Constitution they formed has been in force. For near half a century the Chief Magistrates who have been successively chosen have made their annual communications of the state of the nation to its representatives. Generally these communications have been of the most gratifying nature, testifying an advance in all the improvements of social and all the securities of political life. But frequently and justly as you have been called on to be grateful for the bounties of Providence,

at few periods have they been more abundantly or extensively bestowed than at the present; rarely, if ever, have we had greater reason to congratulate each other on the continued and increasing prosperity of our beloved country.

Agriculture, the first and most important occupation of man, has compensated the labors of the husbandman with plentiful crops of all the varied products of our extensive country. Manufactures have been established in which the funds of the capitalist find a profitable investment, and which give employment and subsistence to a numerous and increasing body of industrious and dexterous mechanics. The laborer is rewarded by high wages in the construction of works of internal improvement, which are extending with unprecedented rapidity. Science is steadily penetrating the recesses of nature and disclosing her secrets, while the ingenuity of free minds is subjecting the elements to the power of man and making each new conquest auxiliary to his comfort. By our mails, whose speed is regularly increased and whose routes are every year extended, the communication of public intelligence and private business is rendered frequent and safe; the intercourse between distant cities, which it formerly required weeks to accomplish, is now effected in a few days; and in the construction of railroads and the application of steam power we have a reasonable prospect that the extreme parts of our country will be so much approximated and those most isolated by the obstacles of nature rendered so accessible as to remove an apprehension sometimes entertained that the great extent of the Union would endanger its permanent existence.

If from the satisfactory view of our agriculture, manufactures, and internal improvements we turn to the state of our navigation and trade with foreign nations and between the States, we shall scarcely find less cause for gratulation. A beneficent Providence has provided for their exercise and encouragement an extensive coast, indented by capacious bays, noble rivers, inland seas; with a country productive of every material for shipbuilding and every commodity for gainful commerce, and filled with a population active, intelligent, well-informed, and fearless of danger. These advantages are not neglected, and an impulse has lately been given to commercial enterprise, which fills our shipyards with new constructions, encourages all the arts and branches of industry connected with them, crowds the wharves of our cities with vessels, and covers the most distant seas with our canvas.

Let us be grateful for these blessings to the beneficent Being who has conferred them, and who suffers us to indulge a reasonable hope of their continuance and extension, while we neglect not the means by which they may be preserved. If we may dare to judge of His future designs by the manner in which His past favors have been bestowed, He has made our national prosperity to depend on the preservation of our liberties, our national force on our Federal Union, and our individual

happiness on the maintenance of our State rights and wise institutions. If we are prosperous at home and respected abroad, it is because we are free, united, industrious, and obedient to the laws. While we continue so we shall by the blessing of Heaven go on in the happy career we have begun, and which has brought us in the short period of our political existence from a population of three to thirteen millions; from thirteen separate colonies to twenty-four united States; from weakness to strength; from a rank scarcely marked in the scale of nations to a high place in their respect.

This last advantage is one that has resulted in a great degree from the principles which have guided our intercourse with foreign powers since we have assumed an equal station among them, and hence the annual account which the Executive renders to the country of the manner in which that branch of his duties has been fulfilled proves instructive and salutary.

The pacific and wise policy of our Government kept us in a state of neutrality during the wars that have at different periods since our political existence been carried on by other powers; but this policy, while it gave activity and extent to our commerce, exposed it in the same proportion to injuries from the belligerent nations. Hence have arisen claims of indemnity for those injuries. England, France, Spain, Holland, Sweden, Denmark, Naples, and lately Portugal had all in a greater or less degree infringed our neutral rights. Demands for reparation were made upon all. They have had in all, and continue to have in some, cases a leading influence on the nature of our relations with the powers on whom they were made.

Of the claims upon England it is unnecessary to speak further than to say that the state of things to which their prosecution and denial gave rise has been succeeded by arrangements productive of mutual good feeling and amicable relations between the two countries, which it is hoped will not be interrupted. One of these arrangements is that relating to the colonial trade which was communicated to Congress at the last session; and although the short period during which it has been in force will not enable me to form an accurate judgment of its operation, there is every reason to believe that it will prove highly beneficial. The trade thereby authorized has employed to the 30th September last upward of 30,000 tons of American and 15,000 tons of foreign shipping in the outward voyages, and in the inward nearly an equal amount of American and 20,000 only of foreign tonnage. Advantages, too, have resulted to our agricultural interests from the state of the trade between Canada and our Territories and States bordering on the St. Lawrence and the Lakes which may prove more than equivalent to the loss sustained by the discrimination made to favor the trade of the northern colonies with the West Indies.

After our transition from the state of colonies to that of an independent

nation many points were found necessary to be settled between us and Great Britain. Among them was the demarcation of boundaries not described with sufficient precision in the treaty of peace. Some of the lines that divide the States and Territories of the United States from the British Provinces have been definitively fixed. That, however, which separates us from the Provinces of Canada and New Brunswick to the north and the east was still in dispute when I came into office, but I found arrangements made for its settlement over which I had no control. The commissioners who had been appointed under the provisions of the treaty of Ghent having been unable to agree, a convention was made with Great Britain by my immediate predecessor in office, with the advice and consent of the Senate, by which it was agreed "that the points of difference which have arisen in the settlement of the boundary line between the American and British dominions, as described in the fifth article of the treaty of Ghent, shall be referred, as therein provided, to some friendly sovereign or State, who shall be invited to investigate and make a decision upon such points of difference;" and the King of the Netherlands having by the late President and His Britannic Majesty been designated as such friendly sovereign, it became my duty to carry with good faith the agreement so made into full effect. To this end I caused all the measures to be taken which were necessary to a full exposition of our case to the sovereign arbiter, and nominated as minister plenipotentiary to his Court a distinguished citizen of the State most interested in the question, and who had been one of the agents previously employed for settling the controversy. On the 10th day of January last His Majesty the King of the Netherlands delivered to the plenipotentiaries of the United States and of Great Britain his written opinion on the case referred to him. The papers in relation to the subject will be communicated by a special message to the proper branch of the Government with the perfect confidence that its wisdom will adopt such measures as will secure an amicable settlement of the controversy without infringing any constitutional right of the States immediately interested.

It affords me satisfaction to inform you that suggestions made by my direction to the chargé d'affaires of His Britannic Majesty to this Government have had their desired effect in producing the release of certain American citizens who were imprisoned for setting up the authority of the State of Maine at a place in the disputed territory under the actual jurisdiction of His Britannic Majesty. From this and the assurances I have received of the desire of the local authorities to avoid any cause of collision I have the best hopes that a good understanding will be kept up until it is confirmed by the final disposition of the subject.

The amicable relations which now subsist between the United States and Great Britain, the increasing intercourse between their citizens, and the rapid obliteration of unfriendly prejudices to which former events naturally gave rise concurred to present this as a fit period for renewing

our endeavors to provide against the recurrence of causes of irritation which in the event of war between Great Britain and any other power would inevitably endanger our peace. Animated by the sincerest desire to avoid such a state of things, and peacefully to secure under all possible circumstances the rights and honor of the country, I have given such instructions to the minister lately sent to the Court of London as will evince that desire, and if met by a correspondent disposition, which we can not doubt, will put an end to causes of collision which, without advantage to either, tend to estrange from each other two nations who have every motive to preserve not only peace, but an intercourse of the most amicable nature.

In my message at the opening of the last session of Congress I expressed a confident hope that the justice of our claims upon France, urged as they were with perseverance and signal ability by our minister there, would finally be acknowledged. This hope has been realized. A treaty has been signed which will immediately be laid before the Senate for its approbation, and which, containing stipulations that require legislative acts, must have the concurrence of both Houses before it can be carried into effect. By it the French Government engage to pay a sum which, if not quite equal to that which may be found due to our citizens, will yet, it is believed, under all circumstances, be deemed satisfactory by those interested. The offer of a gross sum instead of the satisfaction of each individual claim was accepted because the only alternatives were a rigorous exaction of the whole amount stated to be due on each claim, which might in some instances be exaggerated by design, in others overrated through error, and which, therefore, it would have been both ungracious and unjust to have insisted on; or a settlement by a mixed commission, to which the French negotiators were very averse, and which experience in other cases had shewn to be dilatory and often wholly inadequate to the end. A comparatively small sum is stipulated on our part to go to the extinction of all claims by French citizens on our Government, and a reduction of duties on our cotton and their wines has been agreed on as a consideration for the renunciation of an important claim for commercial privileges under the construction they gave to the treaty for the cession of Louisiana.

Should this treaty receive the proper sanction, a source of irritation will be stopped that has for so many years in some degree alienated from each other two nations who, from interest as well as the remembrance of early associations, ought to cherish the most friendly relations; an encouragement will be given for perseverance in the demands of justice by this new proof that if steadily pursued they will be listened to, and admonition will be offered to those powers, if any, which may be inclined to evade them that they will never be abandoned; above all, a just confidence will be inspired in our fellow-citizens that their Government will exert all the powers with which they have invested it in support of their just claims upon foreign nations; at the same time that the frank acknowledgment

and provision for the payment of those which were addressed to our equity, although unsupported by legal proof, affords a practical illustration of our submission to the divine rule of doing to others what we desire they should do unto us.

Sweden and Denmark having made compensation for the irregularities committed by their vessels or in their ports to the perfect satisfaction of the parties concerned, and having renewed the treaties of commerce entered into with them, our political and commercial relations with those powers continue to be on the most friendly footing.

With Spain our differences up to the 22d of February, 1819, were settled by the treaty of Washington of that date, but at a subsequent period our commerce with the States formerly colonies of Spain on the continent of America was annoyed and frequently interrupted by her public and private armed ships. They captured many of our vessels prosecuting a lawful commerce and sold them and their cargoes, and at one time to our demands for restoration and indemnity opposed the allegation that they were taken in the violation of a blockade of all the ports of those States. This blockade was declaratory only, and the inadequacy of the force to maintain it was so manifest that this allegation was varied to a charge of trade in contraband of war. This, in its turn, was also found untenable, and the minister whom I sent with instructions to press for the reparation that was due to our injured fellow-citizens has transmitted an answer to his demand by which the captures are declared to have been legal, and are justified because the independence of the States of America never having been acknowledged by Spain she had a right to prohibit trade with them under her old colonial laws. This ground of defense was contradictory, not only to those which had been formerly alleged, but to the uniform practice and established laws of nations, and had been abandoned by Spain herself in the convention which granted indemnity to British subjects for captures made at the same time, under the same circumstances, and for the same allegations with those of which we complain.

I, however, indulge the hope that further reflection will lead to other views, and feel confident that when His Catholic Majesty shall be convinced of the justice of the claims his desire to preserve friendly relations between the two countries, which it is my earnest endeavor to maintain, will induce him to accede to our demand. I have therefore dispatched a special messenger with instructions to our minister to bring the case once more to his consideration, to the end that if (which I can not bring myself to believe) the same decision (that can not but be deemed an unfriendly denial of justice) should be persisted in the matter may before your adjournment be laid before you, the constitutional judges of what is proper to be done when negotiation for redress of injury fails.

The conclusion of a treaty for indemnity with France seemed to present a favorable opportunity to renew our claims of a similar nature on

other powers, and particularly in the case of those upon Naples, more especially as in the course of former negotiations with that power our failure to induce France to render us justice was used as an argument against us. The desires of the merchants, who were the principal sufferers, have therefore been acceded to, and a mission has been instituted for the special purpose of obtaining for them a reparation already too long delayed. This measure having been resolved on, it was put in execution without waiting for the meeting of Congress, because the state of Europe created an apprehension of events that might have rendered our application ineffectual.

Our demands upon the Government of the Two Sicilies are of a peculiar nature. The injuries on which they are founded are not denied, nor are the atrocity and perfidy under which those injuries were perpetrated attempted to be extenuated. The sole ground on which indemnity has been refused is the alleged illegality of the tenure by which the monarch who made the seizures held his crown. This defense, always unfounded in any principle of the law of nations, now universally abandoned, even by those powers upon whom the responsibility for acts of past rulers bore the most heavily, will unquestionably be given up by His Sicilian Majesty, whose counsels will receive an impulse from that high sense of honor and regard to justice which are said to characterize him; and I feel the fullest confidence that the talents of the citizen commissioned for that purpose will place before him the just claims of our injured citizens in such a light as will enable me before your adjournment to announce that they have been adjusted and secured. Precise instructions to the effect of bringing the negotiation to a speedy issue have been given, and will be obeyed.

In the late blockade of Terceira some of the Portuguese fleet captured several of our vessels and committed other excesses, for which reparation was demanded, and I was on the point of dispatching an armed force to prevent any recurrence of a similar violence and protect our citizens in the prosecution of their lawful commerce when official assurances, on which I relied, made the sailing of the ships unnecessary. Since that period frequent promises have been made that full indemnity shall be given for the injuries inflicted and the losses sustained. In the performance there has been some, perhaps unavoidable, delay; but I have the fullest confidence that my earnest desire that this business may at once be closed, which our minister has been instructed strongly to express, will very soon be gratified. I have the better ground for this hope from the evidence of a friendly disposition which that Government has shown by an actual reduction in the duty on rice the produce of our Southern States, authorizing the anticipation that this important article of our export will soon be admitted on the same footing with that produced by the most favored nation.

With the other powers of Europe we have fortunately had no cause of

discussions for the redress of injuries. With the Empire of the Russias our political connection is of the most friendly and our commercial of the most liberal kind. We enjoy the advantages of navigation and trade given to the most favored nation, but it has not yet suited their policy, or perhaps has not been found convenient from other considerations, to give stability and reciprocity to those privileges by a commercial treaty. The ill health of the minister last year charged with making a proposition for that arrangement did not permit him to remain at St. Petersburg, and the attention of that Government during the whole of the period since his departure having been occupied by the war in which it was engaged, we have been assured that nothing could have been effected by his presence. A minister will soon be nominated, as well to effect this important object as to keep up the relations of amity and good understanding of which we have received so many assurances and proofs from His Imperial Majesty and the Emperor his predecessor.

The treaty with Austria is opening to us an important trade with the hereditary dominions of the Emperor, the value of which has been hitherto little known, and of course not sufficiently appreciated. While our commerce finds an entrance into the south of Germany by means of this treaty, those we have formed with the Hanseatic towns and Prussia and others now in negotiation will open that vast country to the enterprising spirit of our merchants on the north—a country abounding in all the materials for a mutually beneficial commerce, filled with enlightened and industrious inhabitants, holding an important place in the politics of Europe, and to which we owe so many valuable citizens. The ratification of the treaty with the Porte was sent to be exchanged by the gentleman appointed our chargé d'affaires to that Court. Some difficulties occurred on his arrival, but at the date of his last official dispatch he supposed they had been obviated and that there was every prospect of the exchange being speedily effected.

This finishes the connected view I have thought it proper to give of our political and commercial relations in Europe. Every effort in my power will be continued to strengthen and extend them by treaties founded on principles of the most perfect reciprocity of interest, neither asking nor conceding any exclusive advantage, but liberating as far as it lies in my power the activity and industry of our fellow-citizens from the shackles which foreign restrictions may impose.

To China and the East Indies our commerce continues in its usual extent, and with increased facilities which the credit and capital of our merchants afford by substituting bills for payments in specie. A daring outrage having been committed in those seas by the plunder of one of our merchantmen engaged in the pepper trade at a port in Sumatra, and the piratical perpetrators belonging to tribes in such a state of society that the usual course of proceedings between civilized nations could not be pursued, I forthwith dispatched a frigate with orders to require immediate satisfaction for the injury and indemnity to the sufferers.

Few changes have taken place in our connections with the independent States of America since my last communication to Congress. The ratification of a commercial treaty with the United Republics of Mexico has been for some time under deliberation in their Congress, but was still undecided at the date of our last dispatches. The unhappy civil commotions that have prevailed there were undoubtedly the cause of the delay, but as the Government is now said to be tranquillized we may hope soon to receive the ratification of the treaty and an arrangement for the demarcation of the boundaries between us. In the meantime, an important trade has been opened with mutual benefit from St. Louis, in the State of Missouri, by caravans to the interior Provinces of Mexico. This commerce is protected in its progress through the Indian countries by the troops of the United States, which have been permitted to escort the caravans beyond our boundaries to the settled part of the Mexican territory.

From Central America I have received assurances of the most friendly kind and a gratifying application for our good offices to remove a supposed indisposition toward that Government in a neighboring State. This application was immediately and successfully complied with. They gave us also the pleasing intelligence that differences which had prevailed in their internal affairs had been peaceably adjusted. Our treaty with this Republic continues to be faithfully observed, and promises a great and beneficial commerce between the two countries—a commerce of the greatest importance if the magnificent project of a ship canal through the dominions of that State from the Atlantic to the Pacific Ocean, now in serious contemplation, shall be executed.

I have great satisfaction in communicating the success which has attended the exertions of our minister in Colombia to procure a very considerable reduction in the duties on our flour in that Republic. Indemnity also has been stipulated for injuries received by our merchants from illegal seizures, and renewed assurances are given that the treaty between the two countries shall be faithfully observed.

Chili and Peru seem to be still threatened with civil commotions, and until they shall be settled disorders may naturally be apprehended, requiring the constant presence of a naval force in the Pacific Ocean to protect our fisheries and guard our commerce.

The disturbances that took place in the Empire of Brazil previously to and immediately consequent upon the abdication of the late Emperor necessarily suspended any effectual application for the redress of some past injuries suffered by our citizens from that Government, while they have been the cause of others, in which all foreigners seem to have participated. Instructions have been given to our minister there to press for indemnity due for losses occasioned by these irregularities, and to take care that our fellow-citizens shall enjoy all the privileges stipulated in their favor by the treaty lately made between the two powers, all

which the good intelligence that prevails between our minister at Rio Janeiro and the Regency gives us the best reason to expect.

I should have placed Buenos Ayres in the list of South American powers in respect to which nothing of importance affecting us was to be communicated but for occurrences which have lately taken place at the Falkland Islands, in which the name of that Republic has been used to cover with a show of authority acts injurious to our commerce and to the property and liberty of our fellow-citizens. In the course of the present year one of our vessels, engaged in the pursuit of a trade which we have always enjoyed without molestation, has been captured by a band acting, as they pretend, under the authority of the Government of Buenos Ayres. I have therefore given orders for the dispatch of an armed vessel to join our squadron in those seas and aid in affording all lawful protection to our trade which shall be necessary, and shall without delay send a minister to inquire into the nature of the circumstances and also of the claim, if any, that is set up by that Government to those islands. In the meantime, I submit the case to the consideration of Congress, to the end that they may clothe the Executive with such authority and means as they may deem necessary for providing a force adequate to the complete protection of our fellow-citizens fishing and trading in those seas.

This rapid sketch of our foreign relations, it is hoped, fellow-citizens, may be of some use in so much of your legislation as may bear on that important subject, while it affords to the country at large a source of high gratification in the contemplation of our political and commercial connection with the rest of the world. At peace with all; having subjects of future difference with few, and those susceptible of easy adjustment; extending our commerce gradually on all sides and on none by any but the most liberal and mutually beneficial means, we may, by the blessing of Providence, hope for all that national prosperity which can be derived from an intercourse with foreign nations, guided by those eternal principles of justice and reciprocal good will which are binding as well upon States as the individuals of whom they are composed.

I have great satisfaction in making this statement of our affairs, because the course of our national policy enables me to do it without any indiscreet exposure of what in other governments is usually concealed from the people. Having none but a straightforward, open course to pursue, guided by a single principle that will bear the strongest light, we have happily no political combinations to form, no alliances to entangle us, no complicated interests to consult, and in subjecting all we have done to the consideration of our citizens and to the inspection of the world we give no advantage to other nations and lay ourselves open to no injury.

It may not be improper to add that to preserve this state of things and give confidence to the world in the integrity of our designs all our consular and diplomatic agents are strictly enjoined to examine well

every cause of complaint preferred by our citizens, and while they urge with proper earnestness those that are well founded, to countenance none that are unreasonable or unjust, and to enjoin on our merchants and navigators the strictest obedience to the laws of the countries to which they resort, and a course of conduct in their dealings that may support the character of our nation and render us respected abroad.

Connected with this subject, I must recommend a revisal of our consular laws. Defects and omissions have been discovered in their operation that ought to be remedied and supplied. For your further information on this subject I have directed a report to be made by the Secretary of State, which I shall hereafter submit to your consideration.

The internal peace and security of our confederated States is the next principal object of the General Government. Time and experience have proved that the abode of the native Indian within their limits is dangerous to their peace and injurious to himself. In accordance with my recommendation at a former session of Congress, an appropriation of half a million of dollars was made to aid the voluntary removal of the various tribes beyond the limits of the States. At the last session I had the happiness to announce that the Chickasaws and Choctaws had accepted the generous offer of the Government and agreed to remove beyond the Mississippi River, by which the whole of the State of Mississippi and the western part of Alabama will be freed from Indian occupancy and opened to a civilized population. The treaties with these tribes are in a course of execution, and their removal, it is hoped, will be completed in the course of 1832.

At the request of the authorities of Georgia the registration of Cherokee Indians for emigration has been resumed, and it is confidently expected that one-half, if not two-thirds, of that tribe will follow the wise example of their more westerly brethren. Those who prefer remaining at their present homes will hereafter be governed by the laws of Georgia, as all her citizens are, and cease to be the objects of peculiar care on the part of the General Government.

During the present year the attention of the Government has been particularly directed to those tribes in the powerful and growing State of Ohio, where considerable tracts of the finest lands were still occupied by the aboriginal proprietors. Treaties, either absolute or conditional, have been made extinguishing the whole Indian title to the reservations in that State, and the time is not distant, it is hoped, when Ohio will be no longer embarrassed with the Indian population. The same measures will be extended to Indiana as soon as there is reason to anticipate success. It is confidently believed that perseverance for a few years in the present policy of the Government will extinguish the Indian title to all lands lying within the States composing our Federal Union, and remove beyond their limits every Indian who is not willing to submit to their laws. Thus will all conflicting claims to jurisdiction between the States

and the Indian tribes be put to rest. It is pleasing to reflect that results so beneficial, not only to the States immediately concerned, but to the harmony of the Union, will have been accomplished by measures equally advantageous to the Indians. What the native savages become when surrounded by a dense population and by mixing with the whites may be seen in the miserable remnants of a few Eastern tribes, deprived of political and civil rights, forbidden to make contracts, and subjected to guardians, dragging out a wretched existence, without excitement, without hope, and almost without thought.

But the removal of the Indians beyond the limits and jurisdiction of the States does not place them beyond the reach of philanthropic aid and Christian instruction. On the contrary, those whom philanthropy or religion may induce to live among them in their new abode will be more free in the exercise of their benevolent functions than if they had remained within the limits of the States, embarrassed by their internal regulations. Now subject to no control but the superintending agency of the General Government, exercised with the sole view of preserving peace, they may proceed unmolested in the interesting experiment of gradually advancing a community of American Indians from barbarism to the habits and enjoyments of civilized life.

Among the happiest effects of the improved relations of our Republic has been an increase of trade, producing a corresponding increase of revenue beyond the most sanguine anticipations of the Treasury Department.

The state of the public finances will be fully shown by the Secretary of the Treasury in the report which he will presently lay before you. I will here, however, congratulate you upon their prosperous condition. The revenue received in the present year will not fall short of $27,700,000, and the expenditures for all objects other than the public debt will not exceed $14,700,000. The payment on account of the principal and interest of the debt during the year will exceed $16,500,000, a greater sum than has been applied to that object out of the revenue in any year since the enlargement of the sinking fund except the two years following immediately thereafter. The amount which will have been applied to the public debt from the 4th of March, 1829, to the 1st of January next, which is less than three years since the Administration has been placed in my hands, will exceed $40,000,000.

From the large importations of the present year it may be safely estimated that the revenue which will be received into the Treasury from that source during the next year, with the aid of that received from the public lands, will considerably exceed the amount of the receipts of the present year; and it is believed that with the means which the Government will have at its disposal from various sources, which will be fully stated by the proper Department, the whole of the public debt may be extinguished, either by redemption or purchase, within the four years of

my Administration. We shall then exhibit the rare example of a great nation, abounding in all the means of happiness and security, altogether free from debt.

The confidence with which the extinguishment of the public debt may be anticipated presents an opportunity for carrying into effect more fully the policy in relation to import duties which has been recommended in my former messages. A modification of the tariff which shall produce a reduction of our revenue to the wants of the Government and an adjustment of the duties on imports with a view to equal justice in relation to all our national interests and to the counteraction of foreign policy so far as it may be injurious to those interests, is deemed to be one of the principal objects which demand the consideration of the present Congress. Justice to the interests of the merchant as well as the manufacturer requires that material reductions in the import duties be prospective; and unless the present Congress shall dispose of the subject the proposed reductions can not properly be made to take effect at the period when the necessity for the revenue arising from present rates shall cease. It is therefore desirable that arrangements be adopted at your present session to relieve the people from unnecessary taxation after the extinguishment of the public debt. In the exercise of that spirit of concession and conciliation which has distinguished the friends of our Union in all great emergencies, it is believed that this object may be effected without injury to any national interest.

In my annual message of December, 1829, I had the honor to recommend the adoption of a more liberal policy than that which then prevailed toward unfortunate debtors to the Government, and I deem it my duty again to invite your attention to this subject.

Actuated by similar views, Congress at their last session passed an act for the relief of certain insolvent debtors of the United States, but the provisions of that law have not been deemed such as were adequate to that relief to this unfortunate class of our fellow-citizens which may be safely extended to them. The points in which the law appears to be defective will be particularly communicated by the Secretary of the Treasury, and I take pleasure in recommending such an extension of its provisions as will unfetter the enterprise of a valuable portion of our citizens and restore to them the means of usefulness to themselves and the community. While deliberating on this subject I would also recommend to your consideration the propriety of so modifying the laws for enforcing the payment of debts due either to the public or to individuals suing in the courts of the United States as to restrict the imprisonment of the person to cases of fraudulent concealment of property. The personal liberty of the citizen seems too sacred to be held, as in many cases it now is, at the will of a creditor to whom he is willing to surrender all the means he has of discharging his debt.

The reports from the Secretaries of the War and Navy Departments

and from the Postmaster-General, which accompany this message, present satisfactory views of the operations of the Departments respectively under their charge, and suggest improvements which are worthy of and to which I invite the serious attention of Congress. Certain defects and omissions having been discovered in the operation of the laws respecting patents, they are pointed out in the accompanying report from the Secretary of State.

I have heretofore recommended amendments of the Federal Constitution giving the election of President and Vice-President to the people and limiting the service of the former to a single term. So important do I consider these changes in our fundamental law that I can not, in accordance with my sense of duty, omit to press them upon the consideration of a new Congress. For my views more at large, as well in relation to these points as to the disqualification of members of Congress to receive an office from a President in whose election they have had an official agency, which I proposed as a substitute, I refer you to my former messages.

Our system of public accounts is extremely complicated, and it is believed may be much improved. Much of the present machinery and a considerable portion of the expenditure of public money may be dispensed with, while greater facilities can be afforded to the liquidation of claims upon the Government and an examination into their justice and legality quite as efficient as the present secured. With a view to a general reform in the system, I recommend the subject to the attention of Congress.

I deem it my duty again to call your attention to the condition of the District of Columbia. It was doubtless wise in the framers of our Constitution to place the people of this District under the jurisdiction of the General Government, but to accomplish the objects they had in view it is not necessary that this people should be deprived of all the privileges of self-government. Independently of the difficulty of inducing the representatives of distant States to turn their attention to projects of laws which are not of the highest interest to their constituents, they are not individually, nor in Congress collectively, well qualified to legislate over the local concerns of this District. Consequently its interests are much neglected, and the people are almost afraid to present their grievances, lest a body in which they are not represented and which feels little sympathy in their local relations should in its attempt to make laws for them do more harm than good. Governed by the laws of the States whence they were severed, the two shores of the Potomac within the 10 miles square have different penal codes—not the present codes of Virginia and Maryland, but such as existed in those States at the time of the cession to the United States. As Congress will not form a new code, and as the people of the District can not make one for themselves, they are virtually under two governments. Is it not just to allow them at least a

Delegate in Congress, if not a local legislature, to make laws for the District, subject to the approval or rejection of Congress? I earnestly recommend the extension to them of every political right which their interests require and which may be compatible with the Constitution.

The extension of the judiciary system of the United States is deemed to be one of the duties of Government. One-fourth of the States in the Union do not participate in the benefits of a circuit court. To the States of Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana, admitted into the Union since the present judicial system was organized, only a district court has been allowed. If this be sufficient, then the circuit courts already existing in eighteen States ought to be abolished; if it be not sufficient, the defect ought to be remedied, and these States placed on the same footing with the other members of the Union. It was on this condition and on this footing that they entered the Union, and they may demand circuit courts as a matter not of concession, but of right. I trust that Congress will not adjourn leaving this anomaly in our system.

Entertaining the opinions heretofore expressed in relation to the Bank of the United States as at present organized, I felt it my duty in my former messages frankly to disclose them, in order that the attention of the Legislature and the people should be seasonably directed to that important subject, and that it might be considered and finally disposed of in a manner best calculated to promote the ends of the Constitution and subserve the public interests. Having thus conscientiously discharged a constitutional duty, I deem it proper on this occasion, without a more particular reference to the views of the subject then expressed, to leave it for the present to the investigation of an enlightened people and their representatives.

In conclusion permit me to invoke that Power which superintends all governments to infuse into your deliberations at this important crisis of our history a spirit of mutual forbearance and conciliation. In that spirit was our Union formed, and in that spirit must it be preserved.

ANDREW JACKSON.

SPECIAL MESSAGES.

WASHINGTON, *December 6, 1831.*

To the Senate of the United States:

I transmit to the Senate, for their advice with regard to its ratification, a treaty between the United States and France, signed at Paris by the plenipotentiaries of the two Governments on the 4th of July, 1831.

With the treaty are also transmitted the dispatch which accompanied it, and two others on the same subject received since.

ANDREW JACKSON.

DECEMBER 7, 1831.

Gentlemen of the Senate:

In my public message to both Houses of Congress I communicated the state in which I had found the controverted claims of Great Britain and the United States in relation to our northern and eastern boundary, and the measures which since my coming into office I had pursued to bring it to a close, together with the fact that on the 10th day of January last the sovereign arbiter had delivered his opinion to the plenipotentiaries of the United States and Great Britain.

I now transmit to you that opinion for your consideration, that you may determine whether you will advise submission to the opinion delivered by the sovereign arbiter and consent to its execution.

That you may the better be enabled to judge of the obligation as well as the expediency of submitting to or rejecting the decision of the arbiter, I herewith transmit—

1. A protest made by the minister plenipotentiary of the United States after receiving the opinion of the King of the Netherlands, on which paper it may be necessary to remark that I had always determined, whatever might have been the result of the examination by the sovereign arbiter, to have submitted the same to the Senate for their advice before I executed or rejected it. Therefore no instructions were given to the ministers to do any act that should commit the Government as to the course it might deem proper to pursue on a full consideration of all the circumstances of the case.

2. The dispatches from our minister at The Hague accompanying the protest, as well as those previous and subsequent thereto, in relation to the subject of the submission.

3. Communications between the Department of State and the governor of the State of Maine in relation to this subject.

4. Correspondence between the chargé d'affaires of His Britannic Majesty and the Department of State in relation to the arrest of certain persons at Madawasca under the authority of the British Government at New Brunswick.

It is proper to add that in addition to the evidence derived from Mr. Preble's dispatches of the inclination of the British Government to abide by the award, assurances to the same effect have been uniformly made to our minister at London, and that an official communication on that subject may very soon be expected.

ANDREW JACKSON.

WASHINGTON CITY, *December 7, 1831.*

To the Congress of the United States:

I transmit herewith, for the information of Congress, two letters from the Secretary of State, accompanied by statements from that Department

showing the progress which has been made in taking the Fifth Census of the inhabitants of the United States, and also by a printed copy of the revision of the statements heretofore transmitted to Congress of all former enumerations of the population of the United States and their Territories.

ANDREW JACKSON.

WASHINGTON, *December 13, 1831.*

To the Senate and House of Representatives of the United States:

The accompanying papers show the situation of extreme peril from which more than sixty of our fellow-citizens have been rescued by the courage and humanity of the master and crew of a Spanish brig. As no property was saved, there were no means of making pecuniary satisfaction for the risk and loss incurred in performing this humane and meritorious service. Believing, therefore, that the obligation devolved upon the nation, but having no funds at my disposal which I could think constitutionally applicable to the case, I have thought honor as well as justice required that the facts should be submitted to the consideration of Congress, in order that they might provide not only a just indemnity for the losses incurred, but some compensation adequate to the merit of the service.

ANDREW JACKSON.

WASHINGTON, *December 13, 1831.*

To the Senate of the United States:

I transmit herewith, in obedience to a resolution of the Senate of the 8th December, 1831, all the information in the possession of the Executive relative to the capture, abduction, and imprisonment of American citizens by the provincial authorities of New Brunswick, and the measures which, in consequence thereof, have been adopted by the Executive of the United States.

ANDREW JACKSON.

WASHINGTON CITY, *December 21, 1831.*

To the Congress of the United States:

I transmit herewith, for the information of Congress, a report of the Secretary of State, respecting tonnage duties levied at Martinique and Guadaloupe on American vessels and on French vessels from those islands to the United States.

ANDREW JACKSON.

WASHINGTON CITY, *December 21, 1831.*

Gentlemen of the Senate:

Since my message of the 7th instant, transmitting the award of the King of the Netherlands, I have received the official communication,

then expected, of the determination of the British Government to abide by the award. This communication is now respectfully laid before you for the purpose of aiding your deliberations on the same subject.

ANDREW JACKSON.

WASHINGTON, *December 29, 1831.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 19th instant, requesting the President of the United States to communicate to it "the correspondence between the governor of Georgia and any Department of this Government, in the years 1830 and 1831, in relation to the boundary line between the State of Georgia and the Territory of Florida," I transmit herewith a communication from the Secretary of State, with copies of the papers referred to. It is proper to add, as the resolutions on this subject from the governor and legislature of Georgia were received after the adjournment of the last Congress, and as that body, after having the same subject under consideration, had failed to authorize the President to take any steps in relation to it, that it was my intention to present it in due time to the attention of the present Congress by special message. This determination has been hastened by the call of the House for the information now communicated, and it only remains for me to await the action of Congress upon the subject.

ANDREW JACKSON.

WASHINGTON, *January 5, 1832.*

To the Senate:

I herewith lay before the Senate, for their advice and consent as to the ratification of the same, a treaty between the United States and the principal chiefs and warriors of the mixed band of Seneca and Shawnee Indians living on the waters of the Great Miami and within the territorial limits of the county of Logan, in the State of Ohio, entered into on the 30th day of July, 1831; and also a treaty between the United States and the chiefs, headmen, and warriors of the band of Ottaway Indians residing within the State of Ohio, entered into on the 30th of August, 1831.

ANDREW JACKSON.

WASHINGTON, *January 10, 1832.*

To the Senate and House of Representatives:

I herewith transmit a report made by the Secretary of State on the subject of a commercial arrangement with the Republic of Colombia, which requires legislative action to carry it into effect.

ANDREW JACKSON.

WASHINGTON, *January 12, 1832.*

To the Senate of the United States:

I herewith lay before the Senate, for their advice and consent as to the ratification of the same, a treaty made on the 8th of August last with the Shawnee Indians.

ANDREW JACKSON.

WASHINGTON, *January 18, 1832.*

To the Senate:

I transmit herewith a report of the Secretary of State, in answer to the resolution of the Senate of the 3d instant, and accompanied by copies of the instructions and correspondence relative to the late treaty with France, called for by that resolution.

ANDREW JACKSON.

WASHINGTON, *January 20, 1832.*

To the Congress of the United States:

I respectfully invite the attention of Congress to the propriety of compromising the title of the islands on which Fort Delaware stands in the manner pointed out by the accompanying report from the War Department. This subject was presented to Congress during the last session, but for want of time, it is believed, did not receive its action.

ANDREW JACKSON.

WASHINGTON, *January 23, 1832.*

To the House of Representatives:

I herewith transmit to the House of Representatives a copy of a correspondence between the late minister of Great Britain and the late Secretary of State of the United States on the subject of a claim of Cyrenius Hall, a British subject and an inhabitant of Upper Canada, for the loss which he alleges to have sustained in consequence of the imputed seizure of a schooner (his property) by the collector of the customs at Venice, in Sandusky Bay, in the year 1821, and the subsequent neglect of that officer in relation to the said schooner, together with copies of the documents adduced in support of the claim, that such legislative provision may be made in behalf of the claimant as shall appear just and proper in the case.

ANDREW JACKSON.

WASHINGTON, *January 24, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 20th instant, I herewith transmit a report from the Secretary of War,

containing all the information in possession of the Executive required by that resolution.

For the reason assigned by the Secretary in his report I have to request that the abstracts of the Choctaw reservations may be returned to the War Department when the House shall no longer require them.

ANDREW JACKSON.

WASHINGTON, *January 26, 1832.*

To the House of Representatives:

I transmit herewith reports from the Secretaries of the War and Navy Departments, containing the information required by the resolution of the House of the 5th instant, in regard to the expenditures on breakwaters since 1815.

ANDREW JACKSON.

WASHINGTON, *January 27, 1832.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 18th instant, I herewith transmit a report* of the Secretary of State, which, together with the letter of His Britannic Majesty's chargé d'affaires heretofore communicated, demanding the execution of the opinion delivered by the sovereign arbiter, contains all the information requested by the said resolution, omitting nothing that may enable the Senate to give the advice requested by my message of the 7th of December last, on the question of carrying into effect the opinion of the King of the Netherlands.

ANDREW JACKSON.

WASHINGTON CITY, *January 27, 1832.*

To the Senate of the United States:

Since the dismission of Lieutenant Hampton Westcott for participating as second in a duel in March, A. D. 1830, a more particular investigation of the circumstances has resulted in exonerating him from having instigated the fatal meeting, and the said Westcott, on a trial by a jury, has been acquitted of all legal guilt in the transaction.

I therefore nominate the said Hampton Westcott to be a lieutenant in the Navy of the United States from the 17th of May, 1828, his former date, and to take rank next after Richard R. McMullin.

ANDREW JACKSON.

To the Senate: WASHINGTON, *February 3, 1832.*

In addition to the documents relating to the settlement of the northeastern boundary of the United States now in possession of the Senate, I

*Relating to the northeastern boundary of the United States.

have just received certain proceedings and resolutions of the legislature of the State of Maine on the subject, which are herewith transmitted.

ANDREW JACKSON.

WASHINGTON, *February 6, 1832.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 3d March, 1831, I transmit herewith a report from the Secretary of State on the subject of the regulations of England, France, and the Netherlands respecting their fisheries.

ANDREW JACKSON.

WASHINGTON, *February 7, 1832.*

To the Senate and House of Representatives of the United States:

A convention having been entered into between the United States and the King of the French, it has been ratified with the advice and consent of the Senate; and my ratification having been exchanged in due form on the 2d of February, 1832, by the Secretary of State and the envoy extraordinary and minister plenipotentiary of the King of the French, it is now communicated to you for consideration in your legislative capacity.

You will observe that some important conditions can not be carried into execution but with the aid of the Legislature, and that the proper provisions for that purpose seem to be required without delay.

ANDREW JACKSON.

WASHINGTON, *February 7, 1832.*

To the Senate and House of Representatives of the United States:

A treaty of commerce and navigation having been entered into between the United States and the Sublime Porte, it has been ratified with the advice and consent of the Senate; and my ratification having been exchanged in due form on the 5th October, 1831, by our chargé d'affaires at Constantinople and that Government, it is now communicated to both Houses of Congress.

ANDREW JACKSON.

WASHINGTON, *February 8, 1832.*

To the Senate:

I transmit herewith, for the information of the Senate, a report from the Department of War, showing the situation of the country at Green Bay ceded for the benefit of the New York Indians, and also the proceedings of the commissioner, who has lately had a meeting with them.

ANDREW JACKSON.

WASHINGTON, *February 8, 1832.*

To the Senate:

I transmit herewith a report of the Secretary of War, made in compliance with a resolution of the Senate of March 2, 1831, requesting the President of the United States "to cause to be collected and reported to the Senate at the commencement of the next stated session of Congress the most authentic information which can be obtained of the number and names of the American citizens who have been killed or robbed while engaged in the fur trade or the inland trade to Mexico since the late war with Great Britain, the amount of the robberies committed, and at what places and by what tribes; also the number of persons who annually engage in the fur trade and inland trade to Mexico, the amount of capital employed, and the annual amount of the proceeds in furs, robes, peltries, money, etc.; also the disadvantages, if any, which these branches of trade labor under, and the means for their relief and protection."

ANDREW JACKSON.

WASHINGTON, *February 10, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 3d March, 1831, I herewith transmit a report of the Secretary of War "of the survey of the Savannah and Tennessee rivers made in 1828."

ANDREW JACKSON.

WASHINGTON, *February 13, 1832.*

To the Senate:

I herewith transmit a report from the Secretary of State, containing the information and documents* called for by a resolution of the Senate of the 9th instant.

ANDREW JACKSON.

WASHINGTON, *February 15, 1832.*

To the Senate and House of Representatives:

Being more and more convinced that the destiny of the Indians within the settled portion of the United States depends upon their entire and speedy migration to the country west of the Mississippi set apart for their permanent residence, I am anxious that all the arrangements necessary to the complete execution of the plan of removal and to the ultimate security and improvement of the Indians should be made without further delay. Those who have already removed and are removing are sufficiently numerous to engage the serious attention of the Government,

*Dispatch of Mr. Gallatin transmitting the convention of September 29, 1827, and report of an exploring survey from the Sebois River to the head waters of the Penobscot River, made in 1829.

and it is due not less to them than to the obligation which the nation has assumed that every reasonable step should be taken to fulfill the expectations that have been held out to them. Many of those who yet remain will no doubt within a short period become sensible that the course recommended is the only one which promises stability or improvement, and it is to be hoped that all of them will realize this truth and unite with their brethren beyond the Mississippi. Should they do so, there would then be no question of jurisdiction to prevent the Government from exercising such a general control over their affairs as may be essential to their interest and safety. Should any of them, however, repel the offer of removal, they are free to remain, but they must remain with such privileges and disabilities as the respective States within whose jurisdiction they live may prescribe.

I transmit herewith a report from the Secretary of War, which presents a general outline of the progress that has already been made in this work and of all that remains to be done. It will be perceived that much information is yet necessary for the faithful performance of the duties of the Government, without which it will be impossible to provide for the execution of some of the existing stipulations, or make those prudential arrangements upon which the final success of the whole movement, so far as relates to the Indians themselves, must depend.

I recommend the subject to the attention of Congress in the hope that the suggestions in this report may be found useful and that provision may be made for the appointment of the commissioners therein referred to and for vesting them with such authority as may be necessary to the satisfactory performance of the important duties proposed to be intrusted to them.

ANDREW JACKSON.

WASHINGTON, *February 20, 1832.*

To the Senate:

I nominate Charles Ellery to be a lieutenant in the Navy of the United States, to take rank as if appointed the 29th of April, 1826.

In explanation of the above nomination the President submits to the Senate the following facts:

Charles Ellery was originally appointed a lieutenant in the Navy the 13th of January, 1825, and was dismissed from the service the 24th of November, 1830. The dismissal was in pursuance of the sentence of the same court-martial which tried Master Commandant Clack in September, 1830; but it is thought no technical objections to the legality of the proceedings can be found so well sustained as they were in the case of Master Commandant Clack before the Senate at their last session, and it is supposed that Lieutenant Ellery has no claim for restoration to his former rank except on the ground of great severity in the sentence, founded on unfavorable impressions as to his conduct, which his prior

and subsequent behavior, as manifested in the documents hereto annexed, prove to have been in some degree erroneous. The charges were intemperance and sleeping on his post. His departures from strict temperance were only in a few instances, and seem to have arisen from domestic calamity and never to have grown into a habit; and the only instance testified to in support of the other charge seems now at least doubtful, and if sustained at all to be imputable to the same cause.

Under these views of the case, which a charitable consideration of the proceedings and of his character as fully developed in the annexed documents appears fully to justify, his punishment ought, in my opinion, to be mitigated. He is therefore nominated so as to restore him to the service, with loss of pay and rank for about the time elapsed since his last dismission.

The proceedings of the court-martial and the testimonials referred to are inclosed, numbered from 1 to 10.

ANDREW JACKSON.

UNITED STATES, *February 24, 1832.*

Gentlemen of the Senate:

I lay before you, for your consideration and advice, a treaty of limits between the United States of America and the Republic of Mexico, concluded at Mexico on the 12th day of January, 1828, and a supplementary article relating thereto, signed also at Mexico on the 5th day of April, 1831.

ANDREW JACKSON.

UNITED STATES, *February 24, 1832.*

Gentlemen of the Senate:

I lay before you, for your consideration and advice, a treaty of amity and commerce between the United States of America and the Republic of Mexico, concluded at Mexico on the 5th day of April, in the year 1831.

ANDREW JACKSON.

WASHINGTON, *February 29, 1832.*

To the Senate:

In compliance with the resolution of the Senate of the 22d December, 1831, calling for certain information in relation to the trade between the United States and the British American colonies, I transmit herewith a report from the Secretary of the Treasury.

ANDREW JACKSON.

WASHINGTON, *February 29, 1832.*

To the Senate:

In compliance with the resolution requesting the President of the United States to communicate to the Senate the considerations which in

his opinion render it proper that the United States should be represented by a chargé d'affaires to the King of the Belgians at this time, I transmit herewith a report from the Secretary of State.

ANDREW JACKSON.

WASHINGTON, *March 1, 1832.*

To the House of Representatives:

I submit to the consideration of Congress the accompanying report from the Secretary of State, showing the propriety of making some change by law in the duty on the red wines imported into the United States from Austria.

ANDREW JACKSON.

WASHINGTON, *March 1, 1832.*

To the Senate:

Since my message yesterday in answer to the resolution of the Senate of the 22d December, 1831, calling for certain information in possession of the Executive relating to the trade between the United States and the British American colonies, I have received a report from the Secretary of State on the subject, which is also respectfully submitted to the Senate.

ANDREW JACKSON.

WASHINGTON, *March 2, 1832.*

To the Senate:

In compliance with the resolution of the Senate of February 9, 1832, I have received the accompanying report from the Commissioner of the General Land Office, "on the extent and amount of business of the surveyor-general's district for Missouri, Illinois, and Arkansas, and the expediency of dividing the said district," which is respectfully submitted to the Senate.

ANDREW JACKSON.

WASHINGTON, *March 12, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 7th instant, requesting the President of the United States to inform the House "whether any, and, if any, what, Indian tribes or nations who joined the enemy in the late war with Great Britain continue to receive annuities from the United States under treaties made prior to the war and not renewed since the peace," I transmit herewith a report from the Secretary of War.

ANDREW JACKSON.

WASHINGTON, *March 12, 1832.*

To the House of Representatives:

I transmit herewith a report from the Secretary of War, containing the information called for by the resolution of the House of the 26th January last, in relation to the expenditures incurred by the execution of the act approved May 28, 1830, entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the river Mississippi."

ANDREW JACKSON.

WASHINGTON, *March 12, 1832.*

To the Senate:

I transmit herewith to the Senate a report from the Secretary of War, containing the information called for by the resolution of the Senate of the 12th of January last, in relation to the employment of agents among the Indians since the passage of the "act to provide for an exchange of lands with the Indians residing within any of the States or Territories, and for their removal west of the Mississippi," approved 28th May, 1830.

ANDREW JACKSON.

WASHINGTON, *March 14, 1832.*

To the Senate:

I submit herewith, for the consideration of the Senate as to their advice and consent to the same, an agreement or convention lately made with a band of the Wyandot Indians residing within the limits of Ohio.

ANDREW JACKSON.

WASHINGTON, *March 16, 1832.*

To the House of Representatives:

I transmit herewith a report from the Secretary of State, containing the information called for by the House of Representatives of the 27th February last, in relation to the situation of the Government of the Republic of Colombia and the state of our diplomatic relations with it.

ANDREW JACKSON.

WASHINGTON, *March 26, 1832.*

To the Senate of the United States:

I transmit to the Senate, for their advice and consent as to the ratification of the same, a treaty concluded at this city on the 24th instant between the United States and the Creek tribe of Indians.

ANDREW JACKSON.

WASHINGTON, *March 29, 1832.*

To the Senate:

In compliance with the resolution requesting the "President to inform the Senate whether any, and, if any, what, communications have passed between the executive department of the United States and the executive or legislative department of the State of Maine relative to the northeastern boundary, and whether any proposition has been made by either that the boundary designated by the King of the Netherlands shall be established for a *consideration* to be paid to Maine, and, if so, what consideration was proposed, so far as the same may not be inconsistent with the public interest," I transmit herewith a report from the Secretary of State.

ANDREW JACKSON.

WASHINGTON, *April 2, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of the 17th of the last month, requesting the President to obtain and communicate to it as soon as may be practicable information "whether possession has been taken of any part of the territory of the United States on the Pacific Ocean by the subjects of any foreign power, with any other information relative to the condition and character of the said territory," I transmit herewith reports from the Secretaries of the State and Navy Departments, from which it will appear that there is no satisfactory information on the subject now in possession of the Executive, and that none is likely to be obtained but at an expense which can not be incurred without the authority of Congress.

ANDREW JACKSON.

WASHINGTON, *April 4, 1832.*

To the Congress of the United States:

I transmit herewith to Congress a report from the Secretary of State, showing the circumstances under which refuge was given on board the United States ship *St. Louis*, Captain Sloat, to the vice-president of the Republic of Peru and to General Miller, and the expense thereby incurred by Captain Sloat, for the payment of which there is no fund applicable to the case.

I recommend to Congress that provision be made for this and similar cases that may occur in future.

ANDREW JACKSON.

WASHINGTON, *April 4, 1832.*

To the Congress of the United States:

I submit herewith to the consideration of Congress a report from the Secretary of State, showing the necessity of providing additional accom-

modations for the Patent Office, and proposing the purchase of a suitable building, which has been offered to the Government for the purpose.

ANDREW JACKSON.

WASHINGTON, *April 4, 1832.*

To the Senate:

I transmit herewith a report from the Secretary of State, made in compliance with the resolution of the Senate which requests the President to communicate to the Senate, if not incompatible with the public interest, that portion of the correspondence between Mr. McLane, while minister at London, and the Secretary of State, and also between our said minister and the British Government, respecting the colonial trade, which may not have been communicated with his message to Congress of the 3d January, 1831.

ANDREW JACKSON.

WASHINGTON, *April 6, 1832.*

To the Senate:

I nominate William P. Zantzinger, of Pennsylvania, to be a purser in the Navy of the United States.

In submitting the above nomination it is deemed proper to give some detail of the peculiar circumstances of the case. Mr. Zantzinger was formerly a purser, and after a trial by a court-martial in January, 1830, was dismissed from the naval service. The record is inclosed, marked A. In July, 1830, verbally, afterwards in writing early in 1831, he applied for restoration to his former situation and date on the assumed ground that the proceedings in his trial were illegal and void, and he fortified himself by the many numerous certificates and opinions herewith forwarded, marked B.

These have been carefully examined, and though failing to convince me of the correctness of his position in respect to the nullity of those proceedings, I am satisfied that under all the circumstances of the case a mitigation of his sentence can be justified on both public and personal grounds.

With the loss of his former date and of his pay since his dismission, I have therefore submitted his nomination to take effect like an original entry into the service, only from its confirmation by the Senate. There is now one vacancy in the corps of pursers.

ANDREW JACKSON.

WASHINGTON, *April 9, 1832.*

To the Senate:

In compliance with the resolution requesting the President to transmit to the Senate "Lord Aberdeen's letter in answer to Mr. Barbour's of

the 27th November, 1828, and also so much of a letter of the 22d April, 1831, from Mr. McLane to Mr. Van Buren as relates to the proposed duty on cotton," I transmit herewith a report from the Secretary of State, communicating copies of the letters referred to.

ANDREW JACKSON.

WASHINGTON, *April 13, 1832.*

To the Congress of the United States:

Approving the suggestions expressed by the Secretary of State in regard to the propriety of exempting Portuguese vessels entering the ports of the United States from the payment of the duties on tonnage, in consequence of a like exemption being extended to those of the United States, I transmit herewith, for the consideration of Congress, his letter on the subject.

ANDREW JACKSON.

WASHINGTON, *April 18, 1832.*

To the Senate:

I transmit herewith a report* from the Secretary of the Treasury, containing the information called for by the resolution of the Senate of the 3d instant.

ANDREW JACKSON.

WASHINGTON, *April 19, 1832.*

To the Senate and House of Representatives:

I transmit herewith printed copies of each of the treaties between the United States and the Indian tribes that have been ratified during the present session of Congress.

ANDREW JACKSON.

WASHINGTON, *April 20, 1832.*

To the Senate:

In compliance with the resolution of the Senate of the 9th instant, requesting the President "to communicate to the Senate all the instructions given by this Government to our ministers to Great Britain and all the correspondence of our ministers on the subject of the colonial and West India trade since the 3d of March, 1825, not heretofore communicated, so far as the public interest will, in his judgment, permit," I transmit herewith a report from the Secretary of State, containing the information required.

ANDREW JACKSON.

* Relating to trade with the European possessions of Great Britain for the year ending September 30, 1831.

WASHINGTON, *April 23, 1832.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a report from the Secretary of State, suggesting the propriety of passing a law making it criminal within the limits of the United States to counterfeit the current coin of any foreign nation.

ANDREW JACKSON.

WASHINGTON, *April 23, 1832.*

To the Senate:

I transmit herewith a report from the Secretary of the Treasury, containing the information called for by the resolution of the 26th of March last, in which the President is requested to communicate to the Senate—

First. The total amount of public lands belonging to the United States which remain unsold, whether the Indian title thereon has been extinguished or not, as far as that amount can be ascertained from surveys actually made or by estimate, and distinguishing the States and Territories respectively in which it is situated, and the quantity in each.

Second. The amount on which the Indian title has been extinguished and the sums paid for the extinction thereof, and the amount on which the Indian title remains to be extinguished.

Third. The amount which has been granted by Congress from time to time in the several States and Territories, distinguishing between them and stating the purposes for which the grants were respectively made, and the amount of lands granted or money paid in satisfaction of Virginia land claims.

Fourth. The amount which has been heretofore sold by the United States, distinguishing between the States and Territories in which it is situated.

Fifth. The amount which has been paid to France, Spain, and Georgia for the public lands acquired from them respectively, including the amount which has been paid to purchasers from Georgia to quiet or in satisfaction of their claims, and the amount paid to the Indians to extinguish their title within the limits of Georgia.

Sixth. The total expense of administering the public domain since the declaration of independence, including all charges for surveying, for land offices, and other disbursements, and exhibiting the net amount which has been realized in the Treasury from that source.

ANDREW JACKSON.

WASHINGTON, *May 1, 1832.*

To the House of Representatives:

I transmit herewith, for the use of the House, a printed copy of two treaties lately ratified between the United States of America and the United Mexican States.

ANDREW JACKSON.

[The same message was sent to the Senate.]

WASHINGTON, *May 2, 1832.*

To the House of Representatives:

In compliance with a resolution of the House of the 1st instant, in relation to the imprisonment* of Samuel G. Howe, I transmit herewith

*In Berlin, Prussia.

a report from the Secretary of State, by which it appears that no information on the subject has yet reached the Department of State but what is contained in the public newspapers.

ANDREW JACKSON.

WASHINGTON, *May 29, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of the 18th instant, I transmit herewith a report from the Secretary of State, with copies of the several instructions under which the recent treaty of indemnity with Denmark was negotiated, and also of the other papers relating to the negotiation required by the resolution.

ANDREW JACKSON.

WASHINGTON, *May 29, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of the 27th of February last, requesting copies of the instructions and correspondence relating to the negotiation of the treaty with the Sublime Porte, together with those of the negotiations preceding the treaty from the year 1819, I transmit herewith a report from the Secretary of State, with the papers required.

ANDREW JACKSON.

WASHINGTON, *June 11, 1832.*

To the Senate:

I renominate Samuel Gwin to be register of the land office at Clinton, in the State of Mississippi.

In nominating Mr. Gwin to this office again it is proper to state to the Senate that I do so in compliance with the request of a number of the most respectable citizens of the State of Mississippi and with that of one of the Senators from the same State. The letters expressing this request are herewith respectfully inclosed for the consideration of the Senate. It will be perceived that they bear the fullest testimony to the fitness of Mr. Gwin for the office, and evince a strong desire that he should be continued in it.

Under these circumstances, and possessing myself a personal knowledge of his integrity and fitness and of the claims which his faithful and patriotic services give him upon the Government, I deem it an act of justice to nominate him again, not doubting that the Senate will embrace with cheerfulness an opportunity, with fuller information, to reconsider their former vote upon his nomination.

ANDREW JACKSON.

WASHINGTON, *June 25, 1832.*

To the Senate of the United States:

I herewith transmit to the Senate a report from the Secretary of State, on the subject of the abolition of discriminating duties on the tonnage of Spanish vessels. As it requires legislative enactment, I recommend it to the early attention of Congress.

ANDREW JACKSON.

[The same message was sent to the House of Representatives.]

WASHINGTON CITY, *July 12, 1832.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In compliance with the resolution of the House of Representatives passed this day, requesting the President of the United States "to lay before the House copies of the instructions given to the commander of the frigate *Potomac* previous to and since the departure of that ship from the island of Sumatra, and copies of such letters as may have been received from said commander after his arrival at Quallah Battoo, except such parts as may in his judgment require secrecy," I forward copies of the two letters of instructions to Captain Downes in relation to the piratical plunder and murder of our citizens at Quallah Battoo, on the coast of Sumatra, detailing his proceedings.

The instructions, with the papers annexed, are all that have been given bearing on this subject, and although parts of them do not relate materially to the supposed object of the resolution, yet it has been deemed expedient to omit nothing contained in the originals.

The letter and report from Captain Downes which are herewith furnished are all yet received from him bearing upon his proceedings at Quallah Battoo; but as further intelligence may hereafter be communicated by him, I send them for the information of the House, submitting, however, in justice to that officer, that their contents should not be published until he can enjoy a further opportunity of giving more full explanations of all the circumstances under which he conducted.

ANDREW JACKSON.

WASHINGTON, *July 14, 1832.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of the 17th of February last, requesting copies of the instructions and correspondence relative to the treaty with the Sublime Porte, together with those of the negotiations preceding that treaty, from the year 1829, I transmit herewith a supplemental report from the Secretary of State, with the papers accompanying the same.

ANDREW JACKSON.

VETO MESSAGE.

WASHINGTON, *July 10, 1832.*

To the Senate:

The bill "to modify and continue" the act entitled "An act to incorporate the subscribers to the Bank of the United States" was presented to me on the 4th July instant. Having considered it with that solemn regard to the principles of the Constitution which the day was calculated to inspire, and come to the conclusion that it ought not to become a law, I herewith return it to the Senate, in which it originated, with my objections.

A bank of the United States is in many respects convenient for the Government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the Constitution, subversive of the rights of the States, and dangerous to the liberties of the people, I felt it my duty at an early period of my Administration to call the attention of Congress to the practicability of organizing an institution combining all its advantages and obviating these objections. I sincerely regret that in the act before me I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country.

The present corporate body, denominated the president, directors, and company of the Bank of the United States, will have existed at the time this act is intended to take effect twenty years. It enjoys an exclusive privilege of banking under the authority of the General Government, a monopoly of its favor and support, and, as a necessary consequence, almost a monopoly of the foreign and domestic exchange. The powers, privileges, and favors bestowed upon it in the original charter, by increasing the value of the stock far above its par value, operated as a gratuity of many millions to the stockholders.

An apology may be found for the failure to guard against this result in the consideration that the effect of the original act of incorporation could not be certainly foreseen at the time of its passage. The act before me proposes another gratuity to the holders of the same stock, and in many cases to the same men, of at least seven millions more. This donation finds no apology in any uncertainty as to the effect of the act. On all hands it is conceded that its passage will increase at least 20 or 30 per cent more the market price of the stock, subject to the payment of the annuity of $200,000 per year secured by the act, thus adding in a moment one-fourth to its par value. It is not our own citizens only who are to receive the bounty of our Government. More than eight millions of the stock of this bank are held by foreigners. By this act the Amer-

ican Republic proposes virtually to make them a present of some millions of dollars. For these gratuities to foreigners and to some of our own opulent citizens the act secures no equivalent whatever. They are the certain gains of the present stockholders under the operation of this act, after making full allowance for the payment of the bonus.

Every monopoly and all exclusive privileges are granted at the expense of the public, which ought to receive a fair equivalent. The many millions which this act proposes to bestow on the stockholders of the existing bank must come directly or indirectly out of the earnings of the American people. It is due to them, therefore, if their Government sell monopolies and exclusive privileges, that they should at least exact for them as much as they are worth in open market. The value of the monopoly in this case may be correctly ascertained. The twenty-eight millions of stock would probably be at an advance of 50 per cent, and command in market at least $42,000,000, subject to the payment of the present bonus. The present value of the monopoly, therefore, is $17,000,000, and this the act proposes to sell for three millions, payable in fifteen annual installments of $200,000 each.

It is not conceivable how the present stockholders can have any claim to the special favor of the Government. The present corporation has enjoyed its monopoly during the period stipulated in the original contract. If we must have such a corporation, why should not the Government sell out the whole stock and thus secure to the people the full market value of the privileges granted? Why should not Congress create and sell twenty-eight millions of stock, incorporating the purchasers with all the powers and privileges secured in this act and putting the premium upon the sales into the Treasury?

But this act does not permit competition in the purchase of this monopoly. It seems to be predicated on the erroneous idea that the present stockholders have a prescriptive right not only to the favor but to the bounty of Government. It appears that more than a fourth part of the stock is held by foreigners and the residue is held by a few hundred of our own citizens, chiefly of the richest class. For their benefit does this act exclude the whole American people from competition in the purchase of this monopoly and dispose of it for many millions less than it is worth. This seems the less excusable because some of our citizens not now stockholders petitioned that the door of competition might be opened, and offered to take a charter on terms much more favorable to the Government and country.

But this proposition, although made by men whose aggregate wealth is believed to be equal to all the private stock in the existing bank, has been set aside, and the bounty of our Government is proposed to be again bestowed on the few who have been fortunate enough to secure the stock and at this moment wield the power of the existing institution. I can not perceive the justice or policy of this course. If our Government

must sell monopolies, it would seem to be its duty to take nothing less than their full value, and if gratuities must be made once in fifteen or twenty years let them not be bestowed on the subjects of a foreign government nor upon a designated and favored class of men in our own country. It is but justice and good policy, as far as the nature of the case will admit, to confine our favors to our own fellow-citizens, and let each in his turn enjoy an opportunity to profit by our bounty. In the bearings of the act before me upon these points I find ample reasons why it should not become a law.

It has been urged as an argument in favor of rechartering the present bank that the calling in its loans will produce great embarrassment and distress. The time allowed to close its concerns is ample, and if it has been well managed its pressure will be light, and heavy only in case its management has been bad. If, therefore, it shall produce distress, the fault will be its own, and it would furnish a reason against renewing a power which has been so obviously abused. But will there ever be a time when this reason will be less powerful? To acknowledge its force is to admit that the bank ought to be perpetual, and as a consequence the present stockholders and those inheriting their rights as successors be established a privileged order, clothed both with great political power and enjoying immense pecuniary advantages from their connection with the Government.

The modifications of the existing charter proposed by this act are not such, in my view, as make it consistent with the rights of the States or the liberties of the people. The qualification of the right of the bank to hold real estate, the limitation of its power to establish branches, and the power reserved to Congress to forbid the circulation of small notes are restrictions comparatively of little value or importance. All the objectionable principles of the existing corporation, and most of its odious features, are retained without alleviation.

The fourth section provides "that the notes or bills of the said corporation, although the same be, on the faces thereof, respectively made payable at one place only, shall nevertheless be received by the said corporation at the bank or at any of the offices of discount and deposit thereof if tendered in liquidation or payment of any balance or balances due to said corporation or to such office of discount and deposit from any other incorporated bank." This provision secures to the State banks a legal privilege in the Bank of the United States which is withheld from all private citizens. If a State bank in Philadelphia owe the Bank of the United States and have notes issued by the St. Louis branch, it can pay the debt with those notes, but if a merchant, mechanic, or other private citizen be in like circumstances he can not by law pay his debt with those notes, but must sell them at a discount or send them to St. Louis to be cashed. This boon conceded to the State banks, though not unjust in itself, is most odious because it does not measure out equal justice to the

high and the low, the rich and the poor. To the extent of its practical effect it is a bond of union among the banking establishments of the nation, erecting them into an interest separate from that of the people, and its necessary tendency is to unite the Bank of the United States and the State banks in any measure which may be thought conducive to their common interest.

The ninth section of the act recognizes principles of worse tendency than any provision of the present charter.

It enacts that "the cashier of the bank shall annually report to the Secretary of the Treasury the names of all stockholders who are not resident citizens of the United States, and on the application of the treasurer of any State shall make out and transmit to such treasurer a list of stockholders residing in or citizens of such State, with the amount of stock owned by each." Although this provision, taken in connection with a decision of the Supreme Court, surrenders, by its silence, the right of the States to tax the banking institutions created by this corporation under the name of branches throughout the Union, it is evidently intended to be construed as a concession of their right to tax that portion of the stock which may be held by their own citizens and residents. In this light, if the act becomes a law, it will be understood by the States, who will probably proceed to levy a tax equal to that paid upon the stock of banks incorporated by themselves. In some States that tax is now 1 per cent, either on the capital or on the shares, and that may be assumed as the amount which all citizen or resident stockholders would be taxed under the operation of this act. As it is only the stock *held* in the States and not that *employed* within them which would be subject to taxation, and as the names of foreign stockholders are not to be reported to the treasurers of the States, it is obvious that the stock held by them will be exempt from this burden. Their annual profits will therefore be 1 per cent more than the citizen stockholders, and as the annual dividends of the bank may be safely estimated at 7 per cent, the stock will be worth 10 or 15 per cent more to foreigners than to citizens of the United States. To appreciate the effects which this state of things will produce, we must take a brief review of the operations and present condition of the Bank of the United States.

By documents submitted to Congress at the present session it appears that on the 1st of January, 1832, of the twenty-eight millions of private stock in the corporation, $8,405,500 were held by foreigners, mostly of Great Britain. The amount of stock held in the nine Western and Southwestern States is $140,200, and in the four Southern States is $5,623,100, and in the Middle and Eastern States is about $13,522,000. The profits of the bank in 1831, as shown in a statement to Congress, were about $3,455,598; of this there accrued in the nine Western States about $1,640,048; in the four Southern States about $352,507, and in the Middle and Eastern States about $1,463,041. As little stock is held in the

West, it is obvious that the debt of the people in that section to the bank is principally a debt to the Eastern and foreign stockholders; that the interest they pay upon it is carried into the Eastern States and into Europe, and that it is a burden upon their industry and a drain of their currency, which no country can bear without inconvenience and occasional distress. To meet this burden and equalize the exchange operations of the bank, the amount of specie drawn from those States through its branches within the last two years, as shown by its official reports, was about $6,000,000. More than half a million of this amount does not stop in the Eastern States, but passes on to Europe to pay the dividends of the foreign stockholders. In the principle of taxation recognized by this act the Western States find no adequate compensation for this perpetual burden on their industry and drain of their currency. The branch bank at Mobile made last year $95,140, yet under the provisions of this act the State of Alabama can raise no revenue from these profitable operations, because not a share of the stock is held by any of her citizens. Mississippi and Missouri are in the same condition in relation to the branches at Natchez and St. Louis, and such, in a greater or less degree, is the condition of every Western State. The tendency of the plan of taxation which this act proposes will be to place the whole United States in the same relation to foreign countries which the Western States now bear to the Eastern. When by a tax on resident stockholders the stock of this bank is made worth 10 or 15 per cent more to foreigners than to residents, most of it will inevitably leave the country.

Thus will this provision in its practical effect deprive the Eastern as well as the Southern and Western States of the means of raising a revenue from the extension of business and great profits of this institution. It will make the American people debtors to aliens in nearly the whole amount due to this bank, and send across the Atlantic from two to five millions of specie every year to pay the bank dividends.

In another of its bearings this provision is fraught with danger. Of the twenty-five directors of this bank five are chosen by the Government and twenty by the citizen stockholders. From all voice in these elections the foreign stockholders are excluded by the charter. In proportion, therefore, as the stock is transferred to foreign holders the extent of suffrage in the choice of directors is curtailed. Already is almost a third of the stock in foreign hands and not represented in elections. It is constantly passing out of the country, and this act will accelerate its departure. The entire control of the institution would necessarily fall into the hands of a few citizen stockholders, and the ease with which the object would be accomplished would be a temptation to designing men to secure that control in their own hands by monopolizing the remaining stock. There is danger that a president and directors would then be able to elect themselves from year to year, and without responsibility or control manage the whole concerns of the bank during the existence of its charter. It is

easy to conceive that great evils to our country and its institutions might flow from such a concentration of power in the hands of a few men irresponsible to the people.

Is there no danger to our liberty and independence in a bank that in its nature has so little to bind it to our country? The president of the bank has told us that most of the State banks exist by its forbearance. Should its influence become concentered, as it may under the operation of such an act as this, in the hands of a self-elected directory whose interests are identified with those of the foreign stockholders, will there not be cause to tremble for the purity of our elections in peace and for the independence of our country in war? Their power would be great whenever they might choose to exert it; but if this monopoly were regularly renewed every fifteen or twenty years on terms proposed by themselves, they might seldom in peace put forth their strength to influence elections or control the affairs of the nation. But if any private citizen or public functionary should interpose to curtail its powers or prevent a renewal of its privileges, it can not be doubted that he would be made to feel its influence.

Should the stock of the bank principally pass into the hands of the subjects of a foreign country, and we should unfortunately become involved in a war with that country, what would be our condition? Of the course which would be pursued by a bank almost wholly owned by the subjects of a foreign power, and managed by those whose interests, if not affections, would run in the same direction there can be no doubt. All its operations within would be in aid of the hostile fleets and armies without. Controlling our currency, receiving our public moneys, and holding thousands of our citizens in dependence, it would be more formidable and dangerous than the naval and military power of the enemy.

If we must have a bank with private stockholders, every consideration of sound policy and every impulse of American feeling admonishes that it should be *purely American*. Its stockholders should be composed exclusively of our own citizens, who at least ought to be friendly to our Government and willing to support it in times of difficulty and danger. So abundant is domestic capital that competition in subscribing for the stock of local banks has recently led almost to riots. To a bank exclusively of American stockholders, possessing the powers and privileges granted by this act, subscriptions for $200,000,000 could be readily obtained. Instead of sending abroad the stock of the bank in which the Government must deposit its funds and on which it must rely to sustain its credit in times of emergency, it would rather seem to be expedient to prohibit its sale to aliens under penalty of absolute forfeiture.

It is maintained by the advocates of the bank that its constitutionality in all its features ought to be considered as settled by precedent and by the decision of the Supreme Court. To this conclusion I can not assent. Mere precedent is a dangerous source of authority, and should not be

regarded as deciding questions of constitutional power except where the acquiescence of the people and the States can be considered as well settled. So far from this being the case on this subject, an argument against the bank might be based on precedent. One Congress, in 1791, decided in favor of a bank; another, in 1811, decided against it. One Congress, in 1815, decided against a bank; another, in 1816, decided in its favor. Prior to the present Congress, therefore, the precedents drawn from that source were equal. If we resort to the States, the expressions of legislative, judicial, and executive opinions against the bank have been probably to those in its favor as 4 to 1. There is nothing in precedent, therefore, which, if its authority were admitted, ought to weigh in favor of the act before me.

If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coordinate authorities of this Government. The Congress, the Executive, and the Court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve.

But in the case relied upon the Supreme Court have not decided that all the features of this corporation are compatible with the Constitution. It is true that the court have said that the law incorporating the bank is a constitutional exercise of power by Congress; but taking into view the whole opinion of the court and the reasoning by which they have come to that conclusion, I understand them to have decided that inasmuch as a bank is an appropriate means for carrying into effect the enumerated powers of the General Government, therefore the law incorporating it is in accordance with that provision of the Constitution which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying those powers into execution." Having satisfied themselves that the word "*necessary*" in the Constitution means "*needful*," "*requisite*," "*essential*," "*conducive to*," and that "a bank" is a convenient, a useful, and essential instrument in the prosecution of the Government's "fiscal operations," they conclude that to "use one must be within the discretion of Congress" and that "the act to incorporate the Bank of the United States is a law made in pursuance of the Consti-

tution;" "but," say they, "*where the law is not prohibited and is really calculated to effect any of the objects intrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground.*"

The principle here affirmed is that the "degree of its necessity," involving all the details of a banking institution, is a question exclusively for legislative consideration. A bank is constitutional, but it is the province of the Legislature to determine whether this or that particular power, privilege, or exemption is "necessary and proper" to enable the bank to discharge its duties to the Government, and from their decision there is no appeal to the courts of justice. Under the decision of the Supreme Court, therefore, it is the exclusive province of Congress and the President to decide whether the particular features of this act are *necessary* and *proper* in order to enable the bank to perform conveniently and efficiently the public duties assigned to it as a fiscal agent, and therefore constitutional, or *unnecessary* and *improper*, and therefore unconstitutional.

Without commenting on the general principle affirmed by the Supreme Court, let us examine the details of this act in accordance with the rule of legislative action which they have laid down. It will be found that many of the powers and privileges conferred on it can not be supposed necessary for the purpose for which it is proposed to be created, and are not, therefore, means necessary to attain the end in view, and consequently not justified by the Constitution.

The original act of incorporation, section 21, enacts "that no other bank shall be established by any future law of the United States during the continuance of the corporation hereby created, for which the faith of the United States is hereby pledged: *Provided*, Congress may renew existing charters for banks within the District of Columbia not increasing the capital thereof, and may also establish any other bank or banks in said District with capitals not exceeding in the whole $6,000,000 if they shall deem it expedient." This provision is continued in force by the act before me fifteen years from the 3d of March, 1836.

If Congress possessed the power to establish one bank, they had power to establish more than one if in their opinion two or more banks had been "necessary" to facilitate the execution of the powers delegated to them in the Constitution. If they possessed the power to establish a second bank, it was a power derived from the Constitution to be exercised from time to time, and at any time when the interests of the country or the emergencies of the Government might make it expedient. It was possessed by one Congress as well as another, and by all Congresses alike, and alike at every session. But the Congress of 1816 have taken it away from their successors for twenty years, and the Congress of 1832 proposes to abolish it for fifteen years more. It can not be "*necessary*" or

"*proper*" for Congress to barter away or divest themselves of any of the powers vested in them by the Constitution to be exercised for the public good. It is not "*necessary*" to the efficiency of the bank, nor is it "*proper*" in relation to themselves and their successors. They may *properly* use the discretion vested in them, but they may not limit the discretion of their successors. This restriction on themselves and grant of a monopoly to the bank is therefore unconstitutional.

In another point of view this provision is a palpable attempt to amend the Constitution by an act of legislation. The Constitution declares that "the Congress shall have power to exercise exclusive legislation in all cases whatsoever" over the District of Columbia. Its constitutional power, therefore, to establish banks in the District of Columbia and increase their capital at will is unlimited and uncontrollable by any other power than that which gave authority to the Constitution. Yet this act declares that Congress shall *not* increase the capital of existing banks, nor create other banks with capitals exceeding in the whole $6,000,000. The Constitution declares that Congress *shall* have power to exercise exclusive legislation over this District "*in all cases whatsoever,*" and this act declares they shall not. Which is the supreme law of the land? This provision can not be "*necessary*" or "*proper*" or *constitutional* unless the absurdity be admitted that whenever it be "necessary and proper" in the opinion of Congress they have a right to barter away one portion of the powers vested in them by the Constitution as a means of executing the rest.

On two subjects only does the Constitution recognize in Congress the power to grant exclusive privileges or monopolies. It declares that "Congress shall have power to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." Out of this express delegation of power have grown our laws of patents and copyrights. As the Constitution expressly delegates to Congress the power to grant exclusive privileges in these cases as the means of executing the substantive power "to promote the progress of science and useful arts," it is consistent with the fair rules of construction to conclude that such a power was not intended to be granted as a means of accomplishing any other end. On every other subject which comes within the scope of Congressional power there is an ever-living discretion in the use of proper means, which can not be restricted or abolished without an amendment of the Constitution. Every act of Congress, therefore, which attempts by grants of monopolies or sale of exclusive privileges for a limited time, or a time without limit, to restrict or extinguish its own discretion in the choice of means to execute its delegated powers is equivalent to a legislative amendment of the Constitution, and palpably unconstitutional.

This act authorizes and encourages transfers of its stock to foreigners and grants them an exemption from all State and national taxation. So

far from being "*necessary and proper*" that the bank should possess this power to make it a safe and efficient agent of the Government in its fiscal operations, it is calculated to convert the Bank of the United States into a foreign bank, to impoverish our people in time of peace, to disseminate a foreign influence through every section of the Republic, and in war to endanger our independence.

The several States reserved the power at the formation of the Constitution to regulate and control titles and transfers of real property, and most, if not all, of them have laws disqualifying aliens from acquiring or holding lands within their limits. But this act, in disregard of the undoubted right of the States to prescribe such disqualifications, gives to aliens stockholders in this bank an interest and title, as members of the corporation, to all the real property it may acquire within any of the States of this Union. This privilege granted to aliens is not "*necessary*" to enable the bank to perform its public duties, nor in any sense "*proper*," because it is vitally subversive of the rights of the States.

The Government of the United States have no constitutional power to purchase lands within the States except "for the erection of forts, magazines, arsenals, dockyards, and other needful buildings," and even for these objects only "by the consent of the legislature of the State in which the same shall be." By making themselves stockholders in the bank and granting to the corporation the power to purchase lands for other purposes they assume a power not granted in the Constitution and grant to others what they do not themselves possess. It is not *necessary* to the receiving, safe-keeping, or transmission of the funds of the Government that the bank should possess this power, and it is not *proper* that Congress should thus enlarge the powers delegated to them in the Constitution.

The old Bank of the United States possessed a capital of only $11,000,000, which was found fully sufficient to enable it with dispatch and safety to perform all the functions required of it by the Government. The capital of the present bank is $35,000,000—at least twenty-four more than experience has proved to be *necessary* to enable a bank to perform its public functions. The public debt which existed during the period of the old bank and on the establishment of the new has been nearly paid off, and our revenue will soon be reduced. This increase of capital is therefore not for public but for private purposes.

The Government is the only "*proper*" judge where its agents should reside and keep their offices, because it best knows where their presence will be "*necessary*." It can not, therefore, be "*necessary*" or "*proper*" to authorize the bank to locate branches where it pleases to perform the public service, without consulting the Government, and contrary to its will. The principle laid down by the Supreme Court concedes that Congress can not establish a bank for purposes of private speculation and gain, but only as a means of executing the delegated powers of the

General Government. By the same principle a branch bank can not constitutionally be established for other than public purposes. The power which this act gives to establish two branches in any State, without the injunction or request of the Government and for other than public purposes, is not "*necessary*" to the due *execution* of the powers delegated to Congress.

The bonus which is exacted from the bank is a confession upon the face of the act that the powers granted by it are greater than are "*necessary*" to its character of a fiscal agent. The Government does not tax its officers and agents for the privilege of serving it. The bonus of a million and a half required by the original charter and that of three millions proposed by this act are not exacted for the privilege of giving "the necessary facilities for transferring the public funds from place to place within the United States or the Territories thereof, and for distributing the same in payment of the public creditors without charging commission or claiming allowance on account of the difference of exchange," as required by the act of incorporation, but for something more beneficial to the stockholders. The original act declares that it (the bonus) is granted "in consideration of the exclusive privileges and benefits conferred by this act upon the said bank," and the act before me declares it to be "in consideration of the exclusive benefits and privileges continued by this act to the said corporation for fifteen years, as aforesaid." It is therefore for "exclusive privileges and benefits" conferred for their own use and emolument, and not for the advantage of the Government, that a bonus is exacted. These surplus powers for which the bank is required to pay can not surely be "*necessary*" to make it the fiscal agent of the Treasury. If they were, the exaction of a bonus for them would not be "*proper*."

It is maintained by some that the bank is a means of executing the constitutional power "to coin money and regulate the value thereof." Congress have established a mint to coin money and passed laws to regulate the value thereof. The money so coined, with its value so regulated, and such foreign coins as Congress may adopt are the only currency known to the Constitution. But if they have other power to regulate the currency, it was conferred to be exercised by themselves, and not to be transferred to a corporation. If the bank be established for that purpose, with a charter unalterable without its consent, Congress have parted with their power for a term of years, during which the Constitution is a dead letter. It is neither necessary nor proper to transfer its legislative power to such a bank, and therefore unconstitutional.

By its silence, considered in connection with the decision of the Supreme Court in the case of McCulloch against the State of Maryland, this act takes from the States the power to tax a portion of the banking business carried on within their limits, in subversion of one of the strongest barriers which secured them against Federal encroachments.

Banking, like farming, manufacturing, or any other occupation or profession, is *a business*, the right to follow which is not originally derived from the laws. Every citizen and every company of citizens in all of our States possessed the right until the State legislatures deemed it good policy to prohibit private banking by law. If the prohibitory State laws were now repealed, every citizen would again possess the right. The State banks are a qualified restoration of the right which has been taken away by the laws against banking, guarded by such provisions and limitations as in the opinion of the State legislatures the public interest requires. These corporations, unless there be an exemption in their charter, are, like private bankers and banking companies, subject to State taxation. The manner in which these taxes shall be laid depends wholly on legislative discretion. It may be upon the bank, upon the stock, upon the profits, or in any other mode which the sovereign power shall will.

Upon the formation of the Constitution the States guarded their taxing power with peculiar jealousy. They surrendered it only as it regards imports and exports. In relation to every other object within their jurisdiction, whether persons, property, business, or professions, it was secured in as ample a manner as it was before possessed. All persons, though United States officers, are liable to a poll tax by the States within which they reside. The lands of the United States are liable to the usual land tax, except in the new States, from whom agreements that they will not tax unsold lands are exacted when they are admitted into the Union. Horses, wagons, any beasts or vehicles, tools, or property belonging to private citizens, though employed in the service of the United States, are subject to State taxation. Every private business, whether carried on by an officer of the General Government or not, whether it be mixed with public concerns or not, even if it be carried on by the Government of the United States itself, separately or in partnership, falls within the scope of the taxing power of the State. Nothing comes more fully within it than banks and the business of banking, by whomsoever instituted and carried on. Over this whole subject-matter it is just as absolute, unlimited, and uncontrollable as if the Constitution had never been adopted, because in the formation of that instrument it was reserved without qualification.

The principle is conceded that the States can not rightfully tax the operations of the General Government. They can not tax the money of the Government deposited in the State banks, nor the agency of those banks in remitting it; but will any man maintain that their mere selection to perform this public service for the General Government would exempt the State banks and their ordinary business from State taxation? Had the United States, instead of establishing a bank at Philadelphia, employed a private banker to keep and transmit their funds, would it have deprived Pennsylvania of the right to tax his bank and his usual

banking operations? It will not be pretended. Upon what principle, then, are the banking establishments of the Bank of the United States and their usual banking operations to be exempted from taxation? It is not their public agency or the deposits of the Government which the States claim a right to tax, but their banks and their banking powers, instituted and exercised within State jurisdiction for their private emolument—those powers and privileges for which they pay a bonus, and which the States tax in their own banks. The exercise of these powers within a State, no matter by whom or under what authority, whether by private citizens in their original right, by corporate bodies created by the States, by foreigners or the agents of foreign governments located within their limits, forms a legitimate object of State taxation. From this and like sources, from the persons, property, and business that are found residing, located, or carried on under their jurisdiction, must the States, since the surrender of their right to raise a revenue from imports and exports, draw all the money necessary for the support of their governments and the maintenance of their independence. There is no more appropriate subject of taxation than banks, banking, and bank stocks, and none to which the States ought more pertinaciously to cling.

It can not be *necessary* to the character of the bank as a fiscal agent of the Government that its private business should be exempted from that taxation to which all the State banks are liable, nor can I conceive it "*proper*" that the substantive and most essential powers reserved by the States shall be thus attacked and annihilated as a means of executing the powers delegated to the General Government. It may be safely assumed that none of those sages who had an agency in forming or adopting our Constitution ever imagined that any portion of the taxing power of the States not prohibited to them nor delegated to Congress was to be swept away and annihilated as a means of executing certain powers delegated to Congress.

If our power over means is so absolute that the Supreme Court will not call in question the constitutionality of an act of Congress the subject of which "is not prohibited, and is really calculated to effect any of the objects intrusted to the Government," although, as in the case before me, it takes away powers expressly granted to Congress and rights scrupulously reserved to the States, it becomes us to proceed in our legislation with the utmost caution. Though not directly, our own powers and the rights of the States may be indirectly legislated away in the use of means to execute substantive powers. We may not enact that Congress shall not have the power of exclusive legislation over the District of Columbia, but we may pledge the faith of the United States that as a means of executing other powers it shall not be exercised for twenty years or forever. We may not pass an act prohibiting the States to tax the banking business carried on within their limits, but we may, as a means of executing our powers over other objects, place that business in

the hands of our agents and then declare it exempt from State taxation in their hands. Thus may our own powers and the rights of the States, which we can not directly curtail or invade, be frittered away and extinguished in the use of means employed by us to execute other powers. That a bank of the United States, competent to all the duties which may be required by the Government, might be so organized as not to infringe on our own delegated powers or the reserved rights of the States I do not entertain a doubt. Had the Executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. In the absence of such a call it was obviously proper that he should confine himself to pointing out those prominent features in the act presented which in his opinion make it incompatible with the Constitution and sound policy. A general discussion will now take place, eliciting new light and settling important principles; and a new Congress, elected in the midst of such discussion, and furnishing an equal representation of the people according to the last census, will bear to the Capitol the verdict of public opinion, and, I doubt not, bring this important question to a satisfactory result.

Under such circumstances the bank comes forward and asks a renewal of its charter for a term of fifteen years upon conditions which not only operate as a gratuity to the stockholders of many millions of dollars, but will sanction any abuses and legalize any encroachments.

Suspicions are entertained and charges are made of gross abuse and violation of its charter. An investigation unwillingly conceded and so restricted in time as necessarily to make it incomplete and unsatisfactory discloses enough to excite suspicion and alarm. In the practices of the principal bank partially unveiled, in the absence of important witnesses, and in numerous charges confidently made and as yet wholly uninvestigated there was enough to induce a majority of the committee of investigation—a committee which was selected from the most able and honorable members of the House of Representatives—to recommend a suspension of further action upon the bill and a prosecution of the inquiry. As the charter had yet four years to run, and as a renewal now was not necessary to the successful prosecution of its business, it was to have been expected that the bank itself, conscious of its purity and proud of its character, would have withdrawn its application for the present, and demanded the severest scrutiny into all its transactions. In their declining to do so there seems to be an additional reason why the functionaries of the Government should proceed with less haste and more caution in the renewal of their monopoly.

The bank is professedly established as an agent of the executive branch of the Government, and its constitutionality is maintained on that ground. Neither upon the propriety of present action nor upon the provisions of this act was the Executive consulted. It has had no opportunity to say that it neither needs nor wants an agent clothed with such

powers and favored by such exemptions. There is nothing in its legitimate functions which makes it necessary or proper. Whatever interest or influence, whether public or private, has given birth to this act, it can not be found either in the wishes or necessities of the executive department, by which present action is deemed premature, and the powers conferred upon its agent not only unnecessary, but dangerous to the Government and country.

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth can not be produced by human institutions. In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law; but when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society—the farmers, mechanics, and laborers—who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government. There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me there seems to be a wide and unnecessary departure from these just principles.

Nor is our Government to be maintained or our Union preserved by invasions of the rights and powers of the several States. In thus attempting to make our General Government strong we make it weak. Its true strength consists in leaving individuals and States as much as possible to themselves—in making itself felt, not in its power, but in its beneficence; not in its control, but in its protection; not in binding the States more closely to the center, but leaving each to move unobstructed in its proper orbit.

Experience should teach us wisdom. Most of the difficulties our Government now encounters and most of the dangers which impend over our Union have sprung from an abandonment of the legitimate objects of Government by our national legislation, and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by act of Congress. By attempting to gratify their desires we have in the results of our legislation arrayed section against section, interest against interest, and man against man, in a fearful commotion which threatens to shake the foundations of our Union. It is time to pause in our career to review our principles, and if possible revive that devoted patriotism and spirit of compromise which distinguished the sages of the Revolution and the fathers of our Union. If

we can not at once, in justice to interests vested under improvident legislation, make our Government what it ought to be, we can at least take a stand against all new grants of monopolies and exclusive privileges, against any prostitution of our Government to the advancement of the few at the expense of the many, and in favor of compromise and gradual reform in our code of laws and system of political economy.

I have now done my duty to my country. If sustained by my fellow-citizens, I shall be grateful and happy; if not, I shall find in the motives which impel me ample grounds for contentment and peace. In the difficulties which surround us and the dangers which threaten our institutions there is cause for neither dismay nor alarm. For relief and deliverance let us firmly rely on that kind Providence which I am sure watches with peculiar care over the destinies of our Republic, and on the intelligence and wisdom of our countrymen. Through *His* abundant goodness and *their* patriotic devotion our liberty and Union will be preserved.

ANDREW JACKSON.

FOURTH ANNUAL MESSAGE.

DECEMBER 4, 1832.

Fellow-Citizens of the Senate and House of Representatives:

It gives me pleasure to congratulate you upon your return to the seat of Government for the purpose of discharging your duties to the people of the United States. Although the pestilence which had traversed the Old World has entered our limits and extended its ravages over much of our land, it has pleased Almighty God to mitigate its severity and lessen the number of its victims compared with those who have fallen in most other countries over which it has spread its terrors. Notwithstanding this visitation, our country presents on every side marks of prosperity and happiness unequaled, perhaps, in any other portion of the world. If we fully appreciate our comparative condition, existing causes of discontent will appear unworthy of attention, and, with hearts of thankfulness to that divine Being who has filled our cup of prosperity, we shall feel our resolution strengthened to preserve and hand down to posterity that liberty and that union which we have received from our fathers, and which constitute the sources and the shield of all our blessings.

The relations of our country continue to present the same picture of amicable intercourse that I had the satisfaction to hold up to your view at the opening of your last session. The same friendly professions, the same desire to participate in our flourishing commerce, the same disposition to refrain from injuries unintentionally offered, are, with few exceptions, evinced by all nations with whom we have any intercourse. This

desirable state of things may be mainly ascribed to our undeviating practice of the rule which has long guided our national policy, to require no exclusive privileges in commerce and to grant none. It is daily producing its beneficial effect in the respect shown to our flag, the protection of our citizens and their property abroad, and in the increase of our navigation and the extension of our mercantile operations. The returns which have been made out since we last met will show an increase during the last preceding year of more than 80,000 tons in our shipping and of near $40,000,000 in the aggregate of our imports and exports.

Nor have we less reason to felicitate ourselves on the position of our political than of our commercial concerns. They remain in the state in which they were when I last addressed you—a state of prosperity and peace, the effect of a wise attention to the parting advice of the revered Father of his Country on this subject, condensed into a maxim for the use of posterity by one of his most distinguished successors—to cultivate free commerce and honest friendship with all nations, but to make entangling alliances with none. A strict adherence to this policy has kept us aloof from the perplexing questions that now agitate the European world and have more than once deluged those countries with blood. Should those scenes unfortunately recur, the parties to the contest may count on a faithful performance of the duties incumbent on us as a neutral nation, and our own citizens may equally rely on the firm assertion of their neutral rights.

With the nation that was our earliest friend and ally in the infancy of our political existence the most friendly relations have subsisted through the late revolutions of its Government, and, from the events of the last, promise a permanent duration. It has made an approximation in some of its political institutions to our own, and raised a monarch to the throne who preserves, it is said, a friendly recollection of the period during which he acquired among our citizens the high consideration that could then have been produced by his personal qualifications alone.

Our commerce with that nation is gradually assuming a mutually beneficial character, and the adjustment of the claims of our citizens has removed the only obstacle there was to an intercourse not only lucrative, but productive of literary and scientific improvement.

From Great Britain I have the satisfaction to inform you that I continue to receive assurances of the most amicable disposition, which have on my part on all proper occasions been promptly and sincerely reciprocated. The attention of that Government has latterly been so much engrossed by matters of a deeply interesting domestic character that we could not press upon it the renewal of negotiations which had been unfortunately broken off by the unexpected recall of our minister, who had commenced them with some hopes of success. My great object was the settlement of questions which, though now dormant, might hereafter be revived under circumstances that would endanger the good

understanding which it is the interest of both parties to preserve inviolate, cemented as it is by a community of language, manners, and social habits, and by the high obligations we owe to our British ancestors for many of our most valuable institutions and for that system of representative government which has enabled us to preserve and improve them.

The question of our northeastern boundary still remains unsettled. In my last annual message I explained to you the situation in which I found that business on my coming into office, and the measures I thought it my duty to pursue for asserting the rights of the United States before the sovereign who had been chosen by my predecessor to determine the question, and also the manner in which he had disposed of it. A special message to the Senate in their executive capacity afterwards brought before them the question whether they would advise a submission to the opinion of the sovereign arbiter. That body having considered the award as not obligatory and advised me to open a further negotiation, the proposition was immediately made to the British Government, but the circumstances to which I have alluded have hitherto prevented any answer being given to the overture. Early attention, however, has been promised to the subject, and every effort on my part will be made for a satisfactory settlement of this question, interesting to the Union generally, and particularly so to one of its members.

The claims of our citizens on Spain are not yet acknowledged. On a closer investigation of them than appears to have heretofore taken place it was discovered that some of these demands, however strong they might be upon the equity of that Government, were not such as could be made the subject of national interference; and faithful to the principle of asking nothing but what was clearly right, additional instructions have been sent to modify our demands so as to embrace those only on which, according to the laws of nations, we had a strict right to insist. An inevitable delay in procuring the documents necessary for this review of the merits of these claims retarded this operation until an unfortunate malady which has afflicted His Catholic Majesty prevented an examination of them. Being now for the first time presented in an unexceptionable form, it is confidently hoped that the application will be successful.

I have the satisfaction to inform you that the application I directed to be made for the delivery of a part of the archives of Florida, which had been carried to The Havannah, has produced a royal order for their delivery, and that measures have been taken to procure its execution.

By the report of the Secretary of State communicated to you on the 25th June last you were informed of the conditional reduction obtained by the minister of the United States at Madrid of the duties on tonnage levied on American shipping in the ports of Spain. The condition of that reduction having been complied with on our part by the act passed the 13th of July last, I have the satisfaction to inform you that our ships now pay no higher nor other duties in the continental ports of Spain than are levied on their national vessels.

The demands against Portugal for illegal captures in the blockade of Terceira have been allowed to the full amount of the accounts presented by the claimants, and payment was promised to be made in three installments. The first of these has been paid; the second, although due, had not at the date of our last advices been received, owing, it was alleged, to embarrassments in the finances consequent on the civil war in which that nation is engaged.

The payments stipulated by the convention with Denmark have been punctually made, and the amount is ready for distribution among the claimants as soon as the board, now sitting, shall have performed their functions.

I regret that by the last advices from our chargé d'affaires at Naples that Government had still delayed the satisfaction due to our citizens, but at that date the effect of the last instructions was not known. Dispatches from thence are hourly expected, and the result will be communicated to you without delay.

With the rest of Europe our relations, political and commercial, remain unchanged. Negotiations are going on to put on a permanent basis the liberal system of commerce now carried on between us and the Empire of Russia. The treaty concluded with Austria is executed by His Imperial Majesty with the most perfect good faith, and as we have no diplomatic agent at his Court he personally inquired into and corrected a proceeding of some of his subaltern officers to the injury of our consul in one of his ports.

Our treaty with the Sublime Porte is producing its expected effects on our commerce. New markets are opening for our commodities and a more extensive range for the employment of our ships. A slight augmentation of the duties on our commerce, inconsistent with the spirit of the treaty, had been imposed, but on the representation of our chargé d'affaires it has been promptly withdrawn, and we now enjoy the trade and navigation of the Black Sea and of all the ports belonging to the Turkish Empire and Asia on the most perfect equality with all foreign nations.

I wish earnestly that in announcing to you the continuance of friendship and the increase of a profitable commercial intercourse with Mexico, with Central America, and the States of the South I could accompany it with the assurance that they all are blessed with that internal tranquillity and foreign peace which their heroic devotion to the cause of their independence merits. In Mexico a sanguinary struggle is now carried on, which has caused some embarrassment to our commerce, but both parties profess the most friendly disposition toward us. To the termination of this contest we look for the establishment of that secure intercourse so necessary to nations whose territories are contiguous. How important it will be to us we may calculate from the fact that even in this unfavorable state of things our maritime commerce has increased, and an internal

trade by caravans from St. Louis to Santa Fe, under the protection of escorts furnished by the Government, is carried on to great advantage and is daily increasing. The agents provided for by the treaty, with this power to designate the boundaries which it established, have been named on our part, but one of the evils of the civil war now raging there has been that the appointment of those with whom they were to cooperate has not yet been announced to us.

The Government of Central America has expelled from its territory the party which some time since disturbed its peace. Desirous of fostering a favorable disposition toward us, which has on more than one occasion been evinced by this interesting country, I made a second attempt in this year to establish a diplomatic intercourse with them; but the death of the distinguished citizen whom I had appointed for that purpose has retarded the execution of measures from which I hoped much advantage to our commerce. The union of the three States which formed the Republic of Colombia has been dissolved, but they all, it is believed, consider themselves as separately bound by the treaty which was made in their federal capacity. The minister accredited to the federation continues in that character near the Government of New Granada, and hopes were entertained that a new union would be formed between the separate States, at least for the purposes of foreign intercourse. Our minister has been instructed to use his good offices, whenever they shall be desired, to produce the reunion so much to be wished for, the domestic tranquillity of the parties, and the security and facility of foreign commerce.

Some agitations naturally attendant on an infant reign have prevailed in the Empire of Brazil, which have had the usual effect upon commercial operations, and while they suspended the consideration of claims created on similar occasions, they have given rise to new complaints on the part of our citizens. A proper consideration for calamities and difficulties of this nature has made us less urgent and peremptory in our demands for justice than duty to our fellow-citizens would under other circumstances have required. But their claims are not neglected, and will on all proper occasions be urged, and it is hoped with effect.

I refrain from making any communication on the subject of our affairs with Buenos Ayres, because the negotiation communicated to you in my last annual message was at the date of our last advices still pending and in a state that would render a publication of the details inexpedient.

A treaty of amity and commerce has been formed with the Republic of Chili, which, if approved by the Senate, will be laid before you. That Government seems to be established, and at peace with its neighbors; and its ports being the resorts of our ships which are employed in the highly important trade of the fisheries, this commercial convention can not but be of great advantage to our fellow-citizens engaged in that perilous but profitable business.

Our commerce with the neighboring State of Peru, owing to the onerous duties levied on our principal articles of export, has been on the decline, and all endeavors to procure an alteration have hitherto proved fruitless. With Bolivia we have yet no diplomatic intercourse, and the continual contests carried on between it and Peru have made me defer until a more favorable period the appointment of any agent for that purpose.

An act of atrocious piracy having been committed on one of our trading ships by the inhabitants of a settlement on the west coast of Sumatra, a frigate was dispatched with orders to demand satisfaction for the injury if those who committed it should be found to be members of a regular government, capable of maintaining the usual relations with foreign nations; but if, as it was supposed and as they proved to be, they were a band of lawless pirates, to inflict such a chastisement as would deter them and others from like aggressions. This last was done, and the effect has been an increased respect for our flag in those distant seas and additional security for our commerce.

In the view I have given of our connection with foreign powers allusions have been made to their domestic disturbances or foreign wars, to their revolutions or dissensions. It may be proper to observe that this is done solely in cases where those events affect our political relations with them, or to show their operation on our commerce. Further than this it is neither our policy nor our right to interfere. Our best wishes on all occasions, our good offices when required, will be afforded to promote the domestic tranquillity and foreign peace of all nations with whom we have any intercourse. Any intervention in their affairs further than this, even by the expression of an official opinion, is contrary to our principles of international policy, and will always be avoided.

The report which the Secretary of the Treasury will in due time lay before you will exhibit the national finances in a highly prosperous state. Owing to the continued success of our commercial enterprise, which has enabled the merchants to fulfill their engagements with the Government, the receipts from customs during the year will exceed the estimate presented at the last session, and with the other means of the Treasury will prove fully adequate not only to meet the increased expenditures resulting from the large appropriations made by Congress, but to provide for the payment of all the public debt which is at present redeemable. It is now estimated that the customs will yield to the Treasury during the present year upward of $28,000,000 The public lands, however, have proved less productive than was anticipated, and according to present information will not much exceed two millions. The expenditures for all objects other than the public debt are estimated to amount during the year to about sixteen millions and a half, while a still larger sum, viz, $18,000,000, will have been applied to the principal and interest of the public debt.

It is expected, however, that in consequence of the reduced rates of duty which will take effect after the 3d of March next there will be a considerable falling off in the revenue from customs in the year 1833. It will nevertheless be amply sufficient to provide for all the wants of the public service, estimated even upon a liberal scale, and for the redemption and purchase of the remainder of the public debt. On the 1st of January next the entire public debt of the United States, funded and unfunded, will be reduced to within a fraction of $7,000,000, of which $2,227,363 are not of right redeemable until the 1st of January, 1834, and $4,735,296 not until the 2d of January, 1835. The commissioners of the sinking funds, however, being invested with full authority to purchase the debt at the market price, and the means of the Treasury being ample, it may be hoped that the whole will be extinguished within the year 1833.

I can not too cordially congratulate Congress and my fellow-citizens on the near approach of that memorable and happy event—the extinction of the public debt of this great and free nation. Faithful to the wise and patriotic policy marked out by the legislation of the country for this object, the present Administration has devoted to it all the means which a flourishing commerce has supplied and a prudent economy preserved for the public Treasury. Within the four years for which the people have confided the Executive power to my charge $58,000,000 will have been applied to the payment of the public debt. That this has been accomplished without stinting the expenditures for all other proper objects will be seen by referring to the liberal provision made during the same period for the support and increase of our means of maritime and military defense, for internal improvements of a national character, for the removal and preservation of the Indians, and, lastly, for the gallant veterans of the Revolution.

The final removal of this great burthen from our resources affords the means of further provision for all the objects of general welfare and public defense which the Constitution authorizes, and presents the occasion for such further reduction in the revenue as may not be required for them. From the report of the Secretary of the Treasury it will be seen that after the present year such a reduction may be made to a considerable extent, and the subject is earnestly recommended to the consideration of Congress in the hope that the combined wisdom of the representatives of the people will devise such means of effecting that salutary object as may remove those burthens which shall be found to fall unequally upon any and as may promote all the great interests of the community.

Long and patient reflection has strengthened the opinions I have heretofore expressed to Congress on this subject, and I deem it my duty on the present occasion again to urge them upon the attention of the Legislature. The soundest maxims of public policy and the principles upon which our republican institutions are founded recommend a proper

adaptation of the revenue to the expenditure, and they also require that the expenditure shall be limited to what, by an economical administration, shall be consistent with the simplicity of the Government and necessary to an efficient public service. In effecting this adjustment it is due, in justice to the interests of the different States, and even to the preservation of the Union itself, that the protection afforded by existing laws to any branches of the national industry should not exceed what may be necessary to counteract the regulations of foreign nations and to secure a supply of those articles of manufacture essential to the national independence and safety in time of war. If upon investigation it shall be found, as it is believed it will be, that the legislative protection granted to any particular interest is greater than is indispensably requisite for these objects, I recommend that it be gradually diminished, and that as far as may be consistent with these objects the whole scheme of duties be reduced to the revenue standard as soon as a just regard to the faith of the Government and to the preservation of the large capital invested in establishments of domestic industry will permit.

That manufactures adequate to the supply of our domestic consumption would in the abstract be beneficial to our country there is no reason to doubt, and to effect their establishment there is perhaps no American citizen who would not for awhile be willing to pay a higher price for them. But for this purpose it is presumed that a tariff of high duties, designed for perpetual protection, has entered into the minds of but few of our statesmen. The most they have anticipated is a temporary and, generally, incidental protection, which they maintain has the effect to reduce the price by domestic competition below that of the foreign article. Experience, however, our best guide on this as on other subjects, makes it doubtful whether the advantages of this system are not counterbalanced by many evils, and whether it does not tend to beget in the minds of a large portion of our countrymen a spirit of discontent and jealousy dangerous to the stability of the Union.

What, then, shall be done? Large interests have grown up under the implied pledge of our national legislation, which it would seem a violation of public faith suddenly to abandon. Nothing could justify it but the public safety, which is the supreme law. But those who have vested their capital in manufacturing establishments can not expect that the people will continue permanently to pay high taxes for their benefit, when the money is not required for any legitimate purpose in the administration of the Government. Is it not enough that the high duties have been paid as long as the money arising from them could be applied to the common benefit in the extinguishment of the public debt?

Those who take an enlarged view of the condition of our country must be satisfied that the policy of protection must be ultimately limited to those articles of domestic manufacture which are indispensable to our safety in time of war. Within this scope, on a reasonable scale, it is

recommended by every consideration of patriotism and duty, which will doubtless always secure to it a liberal and efficient support. But beyond this object we have already seen the operation of the system productive of discontent. In some sections of the Republic its influence is deprecated as tending to concentrate wealth into a few hands, and as creating those germs of dependence and vice which in other countries have characterized the existence of monopolies and proved so destructive of liberty and the general good. A large portion of the people in one section of the Republic declares it not only inexpedient on these grounds, but as disturbing the equal relations of property by legislation, and therefore unconstitutional and unjust.

Doubtless these effects are in a great degree exaggerated, and may be ascribed to a mistaken view of the considerations which led to the adoption of the tariff system; but they are nevertheless important in enabling us to review the subject with a more thorough knowledge of all its bearings upon the great interests of the Republic, and with a determination to dispose of it so that none can with justice complain.

It is my painful duty to state that in one quarter of the United States opposition to the revenue laws has arisen to a height which threatens to thwart their execution, if not to endanger the integrity of the Union. Whatever obstructions may be thrown in the way of the judicial authorities of the General Government, it is hoped they will be able peaceably to overcome them by the prudence of their own officers and the patriotism of the people. But should this reasonable reliance on the moderation and good sense of all portions of our fellow-citizens be disappointed, it is believed that the laws themselves are fully adequate to the suppression of such attempts as may be immediately made. Should the exigency arise rendering the execution of the existing laws impracticable from any cause whatever, prompt notice of it will be given to Congress, with a suggestion of such views and measures as may be deemed necessary to meet it.

In conformity with principles heretofore explained, and with the hope of reducing the General Government to that simple machine which the Constitution created and of withdrawing from the States all other influence than that of its universal beneficence in preserving peace, affording an uniform currency, maintaining the inviolability of contracts, diffusing intelligence, and discharging unfelt its other superintending functions, I recommend that provision be made to dispose of all stocks now held by it in corporations, whether created by the General or State Governments, and placing the proceeds in the Treasury. As a source of profit these stocks are of little or no value; as a means of influence among the States they are adverse to the purity of our institutions. The whole principle on which they are based is deemed by many unconstitutional, and to persist in the policy which they indicate is considered wholly inexpedient.

It is my duty to acquaint you with an arrangement made by the Bank

of the United States with a portion of the holders of the 3 per cent stock, by which the Government will be deprived of the use of the public funds longer than was anticipated. By this arrangement, which will be particularly explained by the Secretary of the Treasury, a surrender of the certificates of this stock may be postponed until October, 1833, and thus the liability of the Government, after its ability to discharge the debt, may be continued by the failure of the bank to perform its duties.

Such measures as are within the reach of the Secretary of the Treasury have been taken to enable him to judge whether the public deposits in that institution may be regarded as entirely safe; but as his limited power may prove inadequate to this object, I recommend the subject to the attention of Congress, under the firm belief that it is worthy of their serious investigation. An inquiry into the transactions of the institution, embracing the branches as well as the principal bank, seems called for by the credit which is given throughout the country to many serious charges impeaching its character, and which if true may justly excite the apprehension that it is no longer a safe depository of the money of the people.

Among the interests which merit the consideration of Congress after the payment of the public debt, one of the most important, in my view, is that of the public lands. Previous to the formation of our present Constitution it was recommended by Congress that a portion of the waste lands owned by the States should be ceded to the United States for the purposes of general harmony and as a fund to meet the expenses of the war. The recommendation was adopted, and at different periods of time the States of Massachusetts, New York, Virginia, North and South Carolina, and Georgia granted their vacant soil for the uses for which they had been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people. In examining this question all local and sectional feelings should be discarded and the whole United States regarded as one people, interested alike in the prosperity of their common country.

It can not be doubted that the speedy settlement of these lands constitutes the true interest of the Republic. The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are everywhere the basis of society and true friends of liberty.

In addition to these considerations questions have already arisen, and may be expected hereafter to grow out of the public lands, which involve the rights of the new States and the powers of the General Government, and unless a liberal policy be now adopted there is danger that these questions may speedily assume an importance not now generally anticipated. The influence of a great sectional interest, when brought into full

action, will be found more dangerous to the harmony and union of the States than any other cause of discontent, and it is the part of wisdom and sound policy to foresee its approaches and endeavor if possible to counteract them.

Of the various schemes which have been hitherto proposed in regard to the disposal of the public lands, none has yet received the entire approbation of the National Legislature. Deeply impressed with the importance of a speedy and satisfactory arrangement of the subject, I deem it my duty on this occasion to urge it upon your consideration, and to the propositions which have been heretofore suggested by others to contribute those reflections which have occurred to me, in the hope that they may assist you in your future deliberations.

It seems to me to be our true policy that the public lands shall cease as soon as practicable to be a source of revenue, and that they be sold to settlers in limited parcels at a price barely sufficient to reimburse to the United States the expense of the present system and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles now secured to purchasers seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that in convenient time this machinery be withdrawn from the States, and that the right of soil and the future disposition of it be surrendered to the States respectively in which it lies.

The adventurous and hardy population of the West, besides contributing their equal share of taxation under our impost system, have in the progress of our Government, for the lands they occupy, paid into the Treasury a large proportion of $40,000,000, and of the revenue received therefrom but a small part has been expended amongst them. When to the disadvantage of their situation in this respect we add the consideration that it is their labor alone which gives real value to the lands, and that the proceeds arising from their sale are distributed chiefly among States which had not originally any claim to them, and which have enjoyed the undivided emolument arising from the sale of their own lands, it can not be expected that the new States will remain longer contented with the present policy after the payment of the public debt. To avert the consequences which may be apprehended from this cause, to put an end forever to all partial and interested legislation on the subject, and to afford to every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands.

In former messages I have expressed my conviction that the Constitution does not warrant the application of the funds of the General Government to objects of internal improvement which are not national in their character, and, both as a means of doing justice to all interests and putting an end to a course of legislation calculated to destroy the purity

of the Government, have urged the necessity of reducing the whole subject to some fixed and certain rule. As there never will occur a period, perhaps, more propitious than the present to the accomplishment of this object, I beg leave to press the subject again upon your attention.

Without some general and well-defined principles ascertaining those objects of internal improvement to which the means of the nation may be constitutionally applied, it is obvious that the exercise of the power can never be satisfactory. Besides the danger to which it exposes Congress of making hasty appropriations to works of the character of which they may be frequently ignorant, it promotes a mischievous and corrupting influence upon elections by holding out to the people the fallacious hope that the success of a certain candidate will make navigable their neighboring creek or river, bring commerce to their doors, and increase the value of their property. It thus favors combinations to squander the treasure of the country upon a multitude of local objects, as fatal to just legislation as to the purity of public men.

If a system compatible with the Constitution can not be devised which is free from such tendencies, we should recollect that that instrument provides within itself the mode of its amendment, and that there is, therefore, no excuse for the assumption of doubtful powers by the General Government. If those which are clearly granted shall be found incompetent to the ends of its creation, it can at any time apply for their enlargement; and there is no probability that such an application, if founded on the public interest, will ever be refused. If the propriety of the proposed grant be not sufficiently apparent to command the assent of three-fourths of the States, the best possible reason why the power should not be assumed on doubtful authority is afforded; for if more than one-fourth of the States are unwilling to make the grant its exercise will be productive of discontents which will far overbalance any advantages that could be derived from it. All must admit that there is nothing so worthy of the constant solicitude of this Government as the harmony and union of the people.

Being solemnly impressed with the conviction that the extension of the power to make internal improvements beyond the limit I have suggested, even if it be deemed constitutional, is subversive of the best interests of our country, I earnestly recommend to Congress to refrain from its exercise in doubtful cases, except in relation to improvements already begun, unless they shall first procure from the States such an amendment of the Constitution as will define its character and prescribe its bounds. If the States feel themselves competent to these objects, why should this Government wish to assume the power? If they do not, then they will not hesitate to make the grant. Both Governments are the Governments of the people; improvements must be made with the money of the people, and if the money can be collected and applied by those more simple and economical political machines, the State governments, it will unquestionably be safer and better for the people than to add to the splendor, the

patronage, and the power of the General Government. But if the people of the several States think otherwise they will amend the Constitution, and in their decision all ought cheerfully to acquiesce.

For a detailed and highly satisfactory view of the operations of the War Department I refer you to the accompanying report of the Secretary of War.

The hostile incursions of the Sac and Fox Indians necessarily led to the interposition of the Government. A portion of the troops, under Generals Scott and Atkinson, and of the militia of the State of Illinois were called into the field. After a harassing warfare, prolonged by the nature of the country and by the difficulty of procuring subsistence, the Indians were entirely defeated, and the disaffected band dispersed or destroyed. The result has been creditable to the troops engaged in the service. Severe as is the lesson to the Indians, it was rendered necessary by their unprovoked aggressions, and it is to be hoped that its impression will be permanent and salutary.

This campaign has evinced the efficient organization of the Army and its capacity for prompt and active service. Its several departments have performed their functions with energy and dispatch, and the general movement was satisfactory.

Our fellow-citizens upon the frontiers were ready, as they always are, in the tender of their services in the hour of danger. But a more efficient organization of our militia system is essential to that security which is one of the principal objects of all governments. Neither our situation nor our institutions require or permit the maintenance of a large regular force. History offers too many lessons of the fatal result of such a measure not to warn us against its adoption here. The expense which attends it, the obvious tendency to employ it because it exists and thus to engage in unnecessary wars, and its ultimate danger to public liberty will lead us, I trust, to place our principal dependence for protection upon the great body of the citizens of the Republic. If in asserting rights or in repelling wrongs war should come upon us, our regular force should be increased to an extent proportioned to the emergency, and our present small Army is a nucleus around which such force could be formed and embodied. But for the purposes of defense under ordinary circumstances we must rely upon the electors of the country. Those by whom and for whom the Government was instituted and is supported will constitute its protection in the hour of danger as they do its check in the hour of safety.

But it is obvious that the militia system is imperfect. Much time is lost, much unnecessary expense incurred, and much public property wasted under the present arrangement. Little useful knowledge is gained by the musters and drills as now established, and the whole subject evidently requires a thorough examination. Whether a plan of classification remedying these defects and providing for a system of instruction might not be adopted is submitted to the consideration of

Congress. The Constitution has vested in the General Government an independent authority upon the subject of the militia which renders its action essential to the establishment or improvement of the system, and I recommend the matter to your consideration in the conviction that the state of this important arm of the public defense requires your attention.

I am happy to inform you that the wise and humane policy of transferring from the eastern to the western side of the Mississippi the remnants of our aboriginal tribes, with their own consent and upon just terms, has been steadily pursued, and is approaching, I trust, its consummation. By reference to the report of the Secretary of War and to the documents submitted with it you will see the progress which has been made since your last session in the arrangement of the various matters connected with our Indian relations. With one exception every subject involving any question of conflicting jurisdiction or of peculiar difficulty has been happily disposed of, and the conviction evidently gains ground among the Indians that their removal to the country assigned by the United States for their permanent residence furnishes the only hope of their ultimate prosperity.

With that portion of the Cherokees, however, living within the State of Georgia it has been found impracticable as yet to make a satisfactory adjustment. Such was my anxiety to remove all the grounds of complaint and to bring to a termination the difficulties in which they are involved that I directed the very liberal propositions to be made to them which accompany the documents herewith submitted. They can not but have seen in these offers the evidence of the strongest disposition on the part of the Government to deal justly and liberally with them. An ample indemnity was offered for their present possessions, a liberal provision for their future support and improvement, and full security for their private and political rights. Whatever difference of opinion may have prevailed respecting the just claims of these people, there will probably be none respecting the liberality of the propositions, and very little respecting the expediency of their immediate acceptance. They were, however, rejected, and thus the position of these Indians remains unchanged, as do the views communicated in my message to the Senate of February 22, 1831.

I refer you to the annual report of the Secretary of the Navy, which accompanies this message, for a detail of the operations of that branch of the service during the present year.

Besides the general remarks on some of the transactions of our Navy presented in the view which has been taken of our foreign relations, I seize this occasion to invite to your notice the increased protection which it has afforded to our commerce and citizens on distant seas without any augmentation of the force in commission. In the gradual improvement of its pecuniary concerns, in the constant progress in the collection of materials suitable for use during future emergencies, and in the construction of vessels and the buildings necessary to their preservation

and repair, the present state of this branch of the service exhibits the fruits of that vigilance and care which are so indispensable to its efficiency. Various new suggestions, contained in the annexed report, as well as others heretofore submitted to Congress, are worthy of your attention, but none more so than that urging the renewal for another term of six years of the general appropriation for the gradual improvement of the Navy.

From the accompanying report of the Postmaster-General you will also perceive that that Department continues to extend its usefulness without impairing its resources or lessening the accommodations which it affords in the secure and rapid transportation of the mail.

I beg leave to call the attention of Congress to the views heretofore expressed in relation to the mode of choosing the President and Vice-President of the United States, and to those respecting the tenure of office generally. Still impressed with the justness of those views and with the belief that the modifications suggested on those subjects if adopted will contribute to the prosperity and harmony of the country, I earnestly recommend them to your consideration at this time.

I have heretofore pointed out defects in the law for punishing official frauds, especially within the District of Columbia. It has been found almost impossible to bring notorious culprits to punishment, and, according to a decision of the court for this District, a prosecution is barred by a lapse of two years after the fraud has been committed. It may happen again, as it has already happened, that during the whole two years all the evidences of the fraud may be in the possession of the culprit himself. However proper the limitation may be in relation to private citizens, it would seem that it ought not to commence running in favor of public officers until they go out of office.

The judiciary system of the United States remains imperfect. Of the nine Western and Southwestern States three only enjoy the benefits of a circuit court. Ohio, Kentucky, and Tennessee are embraced in the general system, but Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana have only district courts. If the existing system be a good one, why should it not be extended? If it be a bad one, why is it suffered to exist? The new States were promised equal rights and privileges when they came into the Union, and such are the guaranties of the Constitution. Nothing can be more obvious than the obligation of the General Government to place all the States on the same footing in relation to the administration of justice, and I trust this duty will be neglected no longer.

On many of the subjects to which your attention is invited in this communication it is a source of gratification to reflect that the steps to be now adopted are uninfluenced by the embarrassments entailed upon the country by the wars through which it has passed. In regard to most of our great interests we may consider ourselves as just starting in our career, and after a salutary experience about to fix upon a permanent

basis the policy best calculated to promote the happiness of the people and facilitate their progress toward the most complete enjoyment of civil liberty. On an occasion so interesting and important in our history, and of such anxious concern to the friends of freedom throughout the world, it is our imperious duty to lay aside all selfish and local considerations and be guided by a lofty spirit of devotion to the great principles on which our institutions are founded.

That this Government may be so administered as to preserve its efficiency in promoting and securing these general objects should be the only aim of our ambition, and we can not, therefore, too carefully examine its structure, in order that we may not mistake its powers or assume those which the people have reserved to themselves or have preferred to assign to other agents. We should bear constantly in mind the fact that the considerations which induced the framers of the Constitution to withhold from the General Government the power to regulate the great mass of the business and concerns of the people have been fully justified by experience, and that it can not now be doubted that the genius of all our institutions prescribes simplicity and economy as the characteristics of the reform which is yet to be effected in the present and future execution of the functions bestowed upon us by the Constitution.

Limited to a general superintending power to maintain peace at home and abroad, and to prescribe laws on a few subjects of general interest not calculated to restrict human liberty, but to enforce human rights, this Government will find its strength and its glory in the faithful discharge of these plain and simple duties. Relieved by its protecting shield from the fear of war and the apprehension of oppression, the free enterprise of our citizens, aided by the State sovereignties, will work out improvements and ameliorations which can not fail to demonstrate that the great truth that the people can govern themselves is not only realized in our example, but that it is done by a machinery in government so simple and economical as scarcely to be felt. That the Almighty Ruler of the Universe may so direct our deliberations and overrule our acts as to make us instrumental in securing a result so dear to mankind is my most earnest and sincere prayer.

ANDREW JACKSON.

SPECIAL MESSAGES.

WASHINGTON, *December 11, 1832.*

The PRESIDENT OF THE SENATE:

I lay before the Senate, for its consideration and advice, a treaty of amity and commerce between the United States of America and the Republic of Chili, concluded at Santiago on the 16th day of May, 1832.

ANDREW JACKSON.

WASHINGTON, *December 12, 1832.*

To the Senate:

I transmit herewith, for the consideration and advice of the Senate as to their ratification, treaties that have been concluded by commissioners duly appointed on the part of the United States with the following tribes of Indians, viz: The Chickasaws, the Apalachicola band in Florida, the Sacs and Foxes, the Winnebagoes, the Potawatamies of Indiana and Michigan, the Potawatamies of the Wabash and Elkheart, and the Potawatamies of the Prairie.

I also transmit the report and journals of the commissioners.

ANDREW JACKSON.

WASHINGTON, *December 17, 1832.*

THE PRESIDENT OF THE SENATE:

A convention having been concluded at Naples on the 14th October, 1832, between the United States and the Government of the Two Sicilies, I now lay it before the Senate for its constitutional action upon it.

ANDREW JACKSON.

WASHINGTON, *December 17, 1832.*

To the Senate:

In compliance with the resolution of the Senate requesting the President of the United States "to communicate to the Senate copies of the commission appointing Samuel Gwin register of the land office at Mount Salus, in the State of Mississippi, in the recess of the Senate in 1831, and of the commission appointing the said Gwin to the same office in the recess of the Senate in 1832, and also a copy of the opinion of the Attorney-General of the United States in relation to said last-mentioned commission, and also the opinions, if any, of former Attorneys-General in similar cases, and copies of the commissions which may have issued in like cases, if any, under former Administrations," I transmit herewith the papers called for.

It may be proper to remark of the case of the navy agent, supposed to be analogous to that of Mr. Gwin, that the commissions are not usually recorded. The one transmitted, however, is the form generally observed, varied to suit the circumstances of the case, and omitting or inserting the words "by and with the advice and consent of the Senate," according to the time the appointment is made.

ANDREW JACKSON.

WASHINGTON, *December 21, 1832.*

To the Senate and House of Representatives:

I beg leave to call the attention of Congress to the accompanying communication from the Secretary of State, inclosing a correspondence

between him and the artist employed to execute the statue of Washington which is to be placed in the Rotunda of the Capitol.

It appears from this correspondence that the present appropriation for the execution of this work is inadequate to the object, and I therefore feel it my duty before concluding the contract to ascertain whether the additional sum recommended as proper by the Secretary of State and the terms proposed by the artist will meet the approbation of Congress.

For this purpose the papers are respectfully submitted.

ANDREW JACKSON.

WASHINGTON, *December 27, 1832.*

To the Senate and House of Representatives:

I beg leave to call the attention of Congress to the accompanying reports—one from the engineer selected under the act of the 14th July last to take charge of the survey of the bridge across the Potomac which that act authorized the President to cause to be erected, and showing, after a careful survey, the propriety of applying a part of the sum appropriated to the repairing the old bridge; the other showing the considerations which, in the opinion of the same engineer and that of General Gratiot, should determine the choice between a superstructure of wood and of iron on the same foundation of granite.

Concurring in the reasons stated by these officers for the preference of the superstructure of wood, I have adopted it accordingly, and propose to take the measures necessary for the execution of the work. Previously, however, to inviting contracts for this purpose I deem it advisable to submit the subject to Congress, in order that the necessary appropriations may be supplied.

ANDREW JACKSON.

WASHINGTON, *December 28, 1832.*

To the House of Representatives:

I have taken into consideration the resolution of the House requesting me to communicate to it, so far as in my opinion may be consistent with the public interest, "the correspondence between the Government of the United States and that of the Republic of Buenos Ayres which has resulted in the departure of the chargé d'affaires of the United States from that Republic, together with the instructions given to the said chargé d'affaires," and in answer to the said request state for the information of the House that although the chargé d'affaires of the United States has found it necessary to return, yet the negotiation between the two countries for the arrangement of the differences between them are not considered as broken off, but are suspended only until the arrival of a minister, who, it is officially announced, will be sent to this country with powers to treat on the subject.

This fact, it is believed, will justify the opinion I have formed that it will not be consistent with the public interest to communicate the correspondence and instructions requested by the House so long as the negotiation shall be pending.

ANDREW JACKSON.

WASHINGTON, *January 2, 1833.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit herewith a report from the Secretary of State on the subject of the French ship *Pactole*, upon the cargo of which a discriminating duty seems to have been levied in 1827 by the collector at Pensacola, in contravention, as is alleged, with the convention of 1822 with France.

ANDREW JACKSON.

WASHINGTON, *January 3, 1833.*

To the House of Representatives:

I beg leave to call the attention of Congress to the accompanying report from the Secretary of State, recommending an appropriation to refund the amount of duties that have been collected in the ports of the United States on the tonnage of foreign vessels belonging to nations that have abolished in their ports discriminating duties on the vessels of the United States.

I also transmit herewith another report from the Secretary of State, stating the losses to which certain Swedish subjects allege they were exposed by the taking out of one of the ports of St. Bartholomew, in the year 1828, a vessel under the flag of the Republic of Buenos Ayres, by the commander of the United States ship *Erie*, and for the payment of which it is thought provision ought to be made by Congress.

ANDREW JACKSON.

WASHINGTON, *January 7, 1833.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit to the House of Representatives the report of the Secretary of State upon the subject of the duties on the cargo of the French ship *Pactole*, prepared in obedience to the resolution of that House of the 20th of December, 1832, which was referred to him.

ANDREW JACKSON.

To the Senate:

In compliance with the resolution of the Senate of the 28th ultimo, requesting the President of the United States to communicate to the Senate a copy of the treaty concluded at Franklin, in the State of

Tennessee, between the United States and the Chickasaw tribe of Indians, on the —— day of August, 1830, together with a copy of the instructions, if any, to the commissioner who negotiated the treaty with said tribe of Indians, bearing date the 30th day of October, 1832, I transmit herewith a report from the Secretary of War, containing the information required.

ANDREW JACKSON.

JANUARY 8, 1833.

WASHINGTON, *January 10, 1833.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In compliance with the resolution of the House of the 4th instant, requesting to be furnished with such information as the President may possess "in relation to the survey of the northern boundary of the State of Ohio under the provisions of the act of Congress passed for that purpose on the 14th of July, 1832," I transmit herewith a report from the Secretary of War containing it.

ANDREW JACKSON.

WASHINGTON, *January 14, 1833.*

To the Senate:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, treaties that have been concluded by commissioners duly appointed on the part of the United States with the following Indian tribes, viz: With the Kickapoos; with the Shawanoes and Delawares, late of Cape Gerardeau, together with stipulations with Delawares for certain private annuities; with the Pankeshaws and Peorias.

I also transmit the journal of the commissioners who negotiated these treaties.

ANDREW JACKSON.

WASHINGTON, *January 16, 1833.*

Gentlemen of the Senate and House of Representatives:

In my annual message at the commencement of your present session I adverted to the opposition to the revenue laws in a particular quarter of the United States, which threatened not merely to thwart their execution, but to endanger the integrity of the Union; and although I then expressed my reliance that it might be overcome by the prudence of the officers of the United States and the patriotism of the people, I stated that should the emergency arise rendering the execution of the existing laws impracticable from any cause whatever prompt notice should be given to Congress, with the suggestion of such views and measures as might be necessary to meet it.

Events which have occurred in the quarter then alluded to, or which have come to my knowledge subsequently, present this emergency.

Since the date of my last annual message I have had officially transmitted to me by the governor of South Carolina, which I now communicate to Congress, a copy of the ordinance passed by the convention which assembled at Columbia, in the State of South Carolina, in November last, declaring certain acts of Congress therein mentioned within the limits of that State to be absolutely null and void, and making it the duty of the legislature to pass such laws as would be necessary to carry the same into effect from and after the 1st February next.

The consequences to which this extraordinary defiance of the just authority of the Government might too surely lead were clearly foreseen, and it was impossible for me to hesitate as to my own duty in such an emergency.

The ordinance had been passed, however, without any certain knowledge of the recommendation which, from a view of the interests of the nation at large, the Executive had determined to submit to Congress, and a hope was indulged that by frankly explaining his sentiments and the nature of those duties which the crisis would devolve upon him the authorities of South Carolina might be induced to retrace their steps. In this hope I determined to issue my proclamation of the 10th of December last, a copy of which I now lay before Congress.

I regret to inform you that these reasonable expectations have not been realized, and that the several acts of the legislature of South Carolina which I now lay before you, and which have all and each of them finally passed after a knowledge of the desire of the Administration to modify the laws complained of, are too well calculated both in their positive enactments and in the spirit of opposition which they obviously encourage wholly to obstruct the collection of the revenue within the limits of that State.

Up to this period neither the recommendation of the Executive in regard to our financial policy and impost system, nor the disposition manifested by Congress promptly to act upon that subject, nor the unequivocal expression of the public will in all parts of the Union appears to have produced any relaxation in the measures of opposition adopted by the State of South Carolina; nor is there any reason to hope that the ordinance and laws will be abandoned.

I have no knowledge that an attempt has been made, or that it is in contemplation, to reassemble either the convention or the legislature, and it will be perceived that the interval before the 1st of February is too short to admit of the preliminary steps necessary for that purpose. It appears, moreover, that the State authorities are actively organizing their military resources, and providing the means and giving the most solemn assurances of protection and support to all who shall enlist in opposition to the revenue laws.

A recent proclamation of the present governor of South Carolina has openly defied the authority of the Executive of the Union, and general

orders from the headquarters of the State announced his determination to accept the services of volunteers and his belief that should their country need their services they will be found at the post of honor and duty, ready to lay down their lives in her defense. Under these orders the forces referred to are directed to "hold themselves in readiness to take the field at a moment's warning," and in the city of Charleston, within a collection district, and a port of entry, a rendezvous has been opened for the purpose of enlisting men for the magazine and municipal guard. Thus South Carolina presents herself in the attitude of hostile preparation, and ready even for military violence if need be to enforce her laws for preventing the collection of the duties within her limits.

Proceedings thus announced and matured must be distinguished from menaces of unlawful resistance by irregular bodies of people, who, acting under temporary delusion, may be restrained by reflection and the influence of public opinion from the commission of actual outrage. In the present instance aggression may be regarded as committed when it is officially authorized and the means of enforcing it fully provided.

Under these circumstances there can be no doubt that it is the determination of the authorities of South Carolina fully to carry into effect their ordinance and laws after the 1st of February. It therefore becomes my duty to bring the subject to the serious consideration of Congress, in order that such measures as they in their wisdom may deem fit shall be seasonably provided, and that it may be thereby understood that while the Government is disposed to remove all just cause of complaint as far as may be practicable consistently with a proper regard to the interests of the community at large, it is nevertheless determined that the supremacy of the laws shall be maintained.

In making this communication it appears to me to be proper not only that I should lay before you the acts and proceedings of South Carolina, but that I should also fully acquaint you with those steps which I have already caused to be taken for the due collection of the revenue, and with my views of the subject generally, that the suggestions which the Constitution requires me to make in regard to your future legislation may be better understood.

This subject having early attracted the anxious attention of the Executive, as soon as it was probable that the authorities of South Carolina seriously meditated resistance to the faithful execution of the revenue laws it was deemed advisable that the Secretary of the Treasury should particularly instruct the officers of the United States in that part of the Union as to the nature of the duties prescribed by the existing laws.

Instructions were accordingly issued on the 6th of November to the collectors in that State, pointing out their respective duties and enjoining upon each a firm and vigilant but discreet performance of them in the emergency then apprehended.

I herewith transmit copies of these instructions and of the letter

addressed to the district attorney, requesting his cooperation. These instructions were dictated in the hope that as the opposition to the laws by the anomalous proceeding of nullification was represented to be of a pacific nature, to be pursued substantially according to the forms of the Constitution and without resorting in any event to force or violence, the measures of its advocates would be taken in conformity with that profession, and on such supposition the means afforded by the existing laws would have been adequate to meet any emergency likely to arise.

It was, however, not possible altogether to suppress apprehension of the excesses to which the excitement prevailing in that quarter might lead, but it certainly was not foreseen that the meditated obstruction to the laws would so soon openly assume its present character.

Subsequently to the date of those instructions, however, the ordinance of the convention was passed, which, if complied with by the people of the State, must effectually render inoperative the present revenue laws within her limits.

That ordinance declares and ordains—

> That the several acts and parts of acts of the Congress of the United States purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having operation and effect within the United States, and more especially "An act in alteration of the several acts imposing duties on imports," approved on the 19th of May, 1828, and also an act entitled "An act to alter and amend the several acts imposing duties on imports," approved on the 14th July, 1832, are unauthorized by the Constitution of the United States, and violate the true intent and meaning thereof, and are null and void and no law, nor binding upon the State of South Carolina, its officers and citizens; and all promises, contracts, and obligations made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.

It also ordains—

> That it shall not be lawful for any of the constituted authorities, whether of the State of South Carolina or of the United States, to enforce the payment of duties imposed by the said acts within the limits of the State, but that it shall be the duty of the legislature to adopt such measures and pass such acts as may be necessary to give full effect to this ordinance and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States within the limits of the State from and after the 1st of February next; and it shall be the duty of all other constituted authorities and of all other persons residing or being within the limits of the State, and they are hereby required and enjoined, to obey and give effect to this ordinance and such acts and measures of the legislature as may be passed or adopted in obedience thereto.

It further ordains—

> That in no case of law or equity decided in the courts of the State wherein shall be drawn in question the authority of this ordinance, or the validity of such act or acts of the legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress imposing duties, shall any appeal be taken

or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and the person or persons attempting to take such appeal may be dealt with as for a contempt of court.

It likewise ordains—

That all persons holding any office of honor, profit, or trust, civil or military, under the State shall, within such time and in such manner as the legislature shall prescribe, take an oath well and truly to obey, execute, and enforce this ordinance and such act or acts of the legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do his or their office or offices shall be forthwith vacated, and shall be filled up as if such person or persons were dead or had resigned. And no person hereafter elected to any office of honor, profit, or trust, civil or military, shall, until the legislature shall otherwise provide and direct, enter on the execution of his office or be in any respect competent to discharge the duties thereof until he shall in like manner have taken a similar oath; and no juror shall be empaneled in any of the courts of the State in any cause in which shall be in question this ordinance or any act of the legislature passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath that he will well and truly obey, execute, and enforce this ordinance and such act or acts of the legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof.

The ordinance concludes:

And we, the people of South Carolina, to the end that it may be fully understood by the Government of the United States and the people of the co-States that we are determined to maintain this ordinance and declaration at every hazard, do further declare that we will not submit to the application of force on the part of the Federal Government to reduce this State to obedience, but that we will consider the passage by Congress of any act authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities or citizens, or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports, or any other act on the part of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate government and to do all other acts and things which sovereign and independent states may of right do.

This solemn denunciation of the laws and authority of the United States has been followed up by a series of acts on the part of the authorities of that State which manifest a determination to render inevitable a resort to those measures of self-defense which the paramount duty of the Federal Government requires, but upon the adoption of which that State will proceed to execute the purpose it has avowed in this ordinance of withdrawing from the Union.

On the 27th of November the legislature assembled at Columbia, and on their meeting the governor laid before them the ordinance of the convention. In his message on that occasion he acquaints them that

"this ordinance has thus become a part of the fundamental law of South Carolina;" that "the die has been at last cast, and South Carolina has at length appealed to her ulterior sovereignty as a member of this Confederacy and has planted herself on her reserved rights. The rightful exercise of this power is not a question which we shall any longer argue. It is sufficient that she has willed it, and that the act is done; nor is its strict compatibility with our constitutional obligation to all laws passed by the General Government within the authorized grants of power to be drawn in question when this interposition is exerted in a case in which the compact has been palpably, deliberately, and dangerously violated. That it brings up a conjuncture of deep and momentous interest is neither to be concealed nor denied. This crisis presents a class of duties which is referable to yourselves. You have been commanded by the people in their highest sovereignty to take care that within the limits of this State their will shall be obeyed." "The measure of legislation," he says, "which you have to employ at this crisis is the precise amount of such enactments as may be necessary to render it utterly impossible to collect within our limits the duties imposed by the protective tariffs thus nullified."

He proceeds:

> That you should arm every citizen with a civil process by which he may claim, if he pleases, a restitution of his goods seized under the existing imposts on his giving security to abide the issue of a suit at law, and at the same time define what shall constitute treason against the State, and by a bill of pains and penalties compel obedience and punish disobedience to your own laws, are points too obvious to require any discussion. In one word, you must survey the whole ground. You must look to and provide for all possible contingencies. In your own limits your own courts of judicature must not only be supreme, but you must look to the ultimate issue of any conflict of jurisdiction and power between them and the courts of the United States.

The governor also asks for power to grant clearances, in violation of the laws of the Union; and to prepare for the alternative which must happen unless the United States shall passively surrender their authority, and the Executive, disregarding his oath, refrain from executing the laws of the Union, he recommends a thorough revision of the militia system, and that the governor "be authorized to accept for the defense of Charleston and its dependencies the services of 2,000 volunteers, either by companies or files," and that they be formed into a legionary brigade consisting of infantry, riflemen, cavalry, field and heavy artillery, and that they be "armed and equipped from the public arsenals completely for the field, and that appropriations be made for supplying all deficiencies in our munitions of war." In addition to these volunteer drafts, he recommends that the governor be authorized "to accept the services of 10,000 volunteers from the other divisions of the State, to be organized and arranged in regiments and brigades, the officers to be selected by the commander in chief, and that this whole force be called *the State guard*."

A request has been regularly made of the secretary of state of South Carolina for authentic copies of the acts which have been passed for the purpose of enforcing the ordinance, but up to the date of the latest advices that request had not been complied with, and on the present occasion, therefore, reference can only be made to those acts as published in the newspapers of the State.

The acts to which it is deemed proper to invite the particular attention of Congress are:

First. "An act to carry into effect, in part, an ordinance to nullify certain acts of the Congress of the United States purporting to be laws laying duties on the importation of foreign commodities," passed in convention of this State, at Columbia, on the 24th November, 1832.

This act provides that any goods seized or detained under pretense of securing the duties, or for the nonpayment of duties, or under any process, order, or decree, or other pretext contrary to the intent and meaning of the ordinance may be recovered by the owner or consignee by "an act of replevin;" that in case of refusing to deliver them, or removing them so that the replevin can not be executed, the sheriff may seize the personal estate of the offender to double the amount of the goods, and if any attempt shall be made to retake or seize them it is the duty of the sheriff to recapture them; and that any person who shall disobey the process or remove the goods, or anyone who shall attempt to retake or seize the goods under pretense of securing the duties, or for nonpayment of duties, or under any process or decree contrary to the intent of the ordinance, shall be fined and imprisoned, besides being liable for any other offense involved in the act.

It also provides that any person arrested or imprisoned on any judgment or decree obtained in any Federal court for duties shall be entitled to the benefit secured by the habeas corpus act of the State in cases of unlawful arrest, and may maintain an action for damages, and that if any estate shall be sold under such judgment or decree the sale shall be held illegal. It also provides that any jailer who receives a person committed on any process or other judicial proceedings to enforce the payment of duties, and anyone who hires his house as a jail to receive such persons, shall be fined and imprisoned. And, finally, it provides that persons paying duties may recover them back with interest.

The next is called "An act to provide for the security and protection of the people of the State of South Carolina."

This act provides that if the Government of the United States or any officer thereof shall, by the employment of naval or military force, attempt to coerce the State of South Carolina into submission to the acts of Congress declared by the ordinance null and void, or to resist the enforcement of the ordinance or of the laws passed in pursuance thereof, or in case of any armed or forcible resistance thereto, the governor is authorized to resist the same and to order into service the whole or so much of

the military force of the State as he may deem necessary; and that in case of any overt act of coercion or intention to commit the same, manifested by an unusual assemblage of naval or military forces in or near the State, or the occurrence of any circumstances indicating that armed force is about to be employed against the State or in resistance to its laws, the governor is authorized to accept the services of such volunteers and call into service such portions of the militia as may be required to meet the emergency.

The act also provides for accepting the service of the volunteers and organizing the militia, embracing all free white males between the ages of 16 and 60, and for the purchase of arms, ordnance, and ammunition. It also declares that the power conferred on the governor shall be applicable to all cases of insurrection or invasion, or imminent danger thereof, and to cases where the laws of the State shall be opposed and the execution thereof forcibly resisted by combinations too powerful to be suppressed by the power vested in the sheriffs and other civil officers, and declares it to be the duty of the governor in every such case to call forth such portions of the militia and volunteers as may be necessary promptly to suppress such combinations and cause the laws of the State to be executed.

No. 9 is "An act concerning the oath required by the ordinance passed in convention at Columbia on the 24th of November, 1832."

This act prescribes the form of the oath, which is, to obey and execute the ordinance and all acts passed by the legislature in pursuance thereof, and directs the time and manner of taking it by the officers of the State—civil, judiciary, and military.

It is believed that other acts have been passed embracing provisions for enforcing the ordinance, but I have not yet been able to procure them.

I transmit, however, a copy of Governor Hamilton's message to the legislature of South Carolina; of Governor Hayne's inaugural address to the same body, as also of his proclamation, and a general order of the governor and commander in chief, dated the 20th of December, giving public notice that the services of volunteers will be accepted under the act already referred to.

If these measures can not be defeated and overcome by the power conferred by the Constitution on the Federal Government, the Constitution must be considered as incompetent to its own defense, the supremacy of the laws is at an end, and the rights and liberties of the citizens can no longer receive protection from the Government of the Union. They not only abrogate the acts of Congress commonly called the tariff acts of 1828 and 1832, but they prostrate and sweep away at once and without exception every act and every part of every act imposing any amount whatever of duty on any foreign merchandise, and virtually every existing act which has ever been passed authorizing the collection of the revenue,

including the act of 1816, and also the collection law of 1799, the constitutionality of which has never been questioned. It is not only those duties which are charged to have been imposed for the protection of manufactures that are thereby repealed, but all others, though laid for the purpose of revenue merely, and upon articles in no degree suspected of being objects of protection. The whole revenue system of the United States in South Carolina is obstructed and overthrown, and the Government is absolutely prohibited from collecting any part of the public revenue within the limits of that State. Henceforth, not only the citizens of South Carolina and of the United States, but the subjects of foreign states may import any description or quantity of merchandise into the ports of South Carolina without the payment of any duty whatsoever. That State is thus relieved from the payment of any part of the public burthens, and duties and imposts are not only rendered not uniform throughout the United States, but a direct and ruinous preference is given to the ports of that State over those of all the other States of the Union, in manifest violation of the positive provisions of the Constitution.

In point of duration, also, those aggressions upon the authority of Congress which by the ordinance are made part of the fundamental law of South Carolina are absolute, indefinite, and without limitation. They neither prescribe the period when they shall cease nor indicate any conditions upon which those who have thus undertaken to arrest the operation of the laws are to retrace their steps and rescind their measures. They offer to the United States no alternative but unconditional submission. If the scope of the ordinance is to be received as the scale of concession, their demands can be satisfied only by a repeal of the whole system of revenue laws and by abstaining from the collection of any duties and imposts whatsoever.

It is true that in the address to the people of the United States by the convention of South Carolina, after announcing "the fixed and final determination of the State in relation to the protecting system," they say "that it remains for us to submit a plan of taxation in which we would be willing to acquiesce in a liberal spirit of concession, provided we are met in due time and in a becoming spirit by the States interested in manufactures." In the opinion of the convention, an equitable plan would be that "the whole list of protected articles should be imported free of all duty, and that the revenue derived from import duties should be raised exclusively from the unprotected articles, or that whenever a duty is imposed upon protected articles imported an excise duty of the same rate shall be imposed upon all similar articles manufactured in the United States."

The address proceeds to state, however, that "they are willing to make a large offering to preserve the Union, and, with a distinct declaration that it is a concession on our part, we will consent that the same rate of duty may be imposed upon the protected articles that shall be imposed

upon the unprotected, provided that no more revenue be raised than is necessary to meet the demands of the Government for constitutional purposes, and provided also that a duty substantially uniform be imposed upon all foreign imports."

It is also true that in his message to the legislature, when urging the necessity of providing "means of securing their safety by ample resources for repelling force by force," the governor of South Carolina observes that he "can not but think that on a calm and dispassionate review by Congress and the functionaries of the General Government of the true merits of this controversy the arbitration by a call of a convention of all the States, which we sincerely and anxiously seek and desire, will be accorded to us."

From the diversity of terms indicated in these two important documents, taken in connection with the progress of recent events in that quarter, there is too much reason to apprehend, without in any manner doubting the intentions of those public functionaries, that neither the terms proposed in the address of the convention nor those alluded to in the message of the governor would appease the excitement which has led to the present excesses. It is obvious, however, that should the latter be insisted on they present an alternative which the General Government of itself can by no possibility grant, since by an express provision of the Constitution Congress can call a convention for the purpose of proposing amendments only "on the application of the legislatures of two-thirds of the States." And it is not perceived that the terms presented in the address are more practicable than those referred to in the message.

It will not escape attention that the conditions on which it is said in the address of the convention they "would be willing to acquiesce" form no part of the ordinance. While this ordinance bears all the solemnity of a fundamental law, is to be authoritative upon all within the limits of South Carolina, and is absolute and unconditional in its terms, the address conveys only the sentiments of the convention, in no binding or practical form; one is the act of the State, the other only the expression of the opinions of the members of the convention. To limit the effect of that solemn act by any terms or conditions whatever, they should have been embodied in it, and made of import no less authoritative than the act itself. By the positive enactments of the ordinance the execution of the laws of the Union is absolutely prohibited, and the address offers no other prospect of their being again restored, even in the modified form proposed, than what depends upon the improbable contingency that amid changing events and increasing excitement the sentiments of the present members of the convention and of their successors will remain the same.

It is to be regretted, however, that these conditions, even if they had been offered in the same binding form, are so undefined, depend upon so

many contingencies, and are so directly opposed to the known opinions and interests of the great body of the American people as to be almost hopeless of attainment. The majority of the States and of the people will certainly not consent that the protecting duties shall be wholly abrogated, never to be reenacted at any future time or in any possible contingency. As little practicable is it to provide that "the same rate of duty shall be imposed upon the protected articles that shall be imposed upon the unprotected," which, moreover, would be severely oppressive to the poor, and in time of war would add greatly to its rigors. And though there can be no objection to the principle, properly understood, that no more revenue shall be raised than is necessary for the constitutional purposes of the Government, which principle has been already recommended by the Executive as the true basis of taxation, yet it is very certain that South Carolina alone can not be permitted to decide what these constitutional purposes are.

The period which constitutes the due time in which the terms proposed in the address are to be accepted would seem to present scarcely less difficulty than the terms themselves. Though the revenue laws are already declared to be void in South Carolina, as well as the bonds taken under them and the judicial proceedings for carrying them into effect, yet as the full action and operation of the ordinance are to be suspended until the 1st of February the interval may be assumed as the time within which it is expected that the most complicated portion of the national legislation, a system of long standing and affecting great interests in the community, is to be rescinded and abolished. If this be required, it is clear that a compliance is impossible.

In the uncertainty, then, that exists as to the duration of the ordinance and of the enactments for enforcing it, it becomes imperiously the duty of the Executive of the United States, acting with a proper regard to all the great interests committed to his care, to treat those acts as absolute and unlimited. They are so as far as his agency is concerned. He can not either embrace or lead to the performance of the conditions. He has already discharged the only part in his power by the recommendation in his annual message. The rest is with Congress and the people, and until they have acted his duty will require him to look to the existing state of things and act under them according to his high obligations.

By these various proceedings, therefore, the State of South Carolina has forced the General Government, unavoidably, to decide the new and dangerous alternative of permitting a State to obstruct the execution of the laws within its limits or seeing it attempt to execute a threat of withdrawing from the Union. That portion of the people at present exercising the authority of the State solemnly assert their right to do either and as solemnly announce their determination to do one or the other.

In my opinion, both purposes are to be regarded as revolutionary in

their character and tendency, and subversive of the supremacy of the laws and of the integrity of the Union. The result of each is the same, since a State in which, by an usurpation of power, the constitutional authority of the Federal Government is openly defied and set aside wants only the form to be independent of the Union.

The right of the people of a single State to absolve themselves at will and without the consent of the other States from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, can not be acknowledged. Such authority is believed to be utterly repugnant both to the principles upon which the General Government is constituted and to the objects which it is expressly formed to attain.

Against all acts which may be alleged to transcend the constitutional power of the Government, or which may be inconvenient or oppressive in their operation, the Constitution itself has prescribed the modes of redress. It is the acknowledged attribute of free institutions that under them the empire of reason and law is substituted for the power of the sword. To no other source can appeals for supposed wrongs be made consistently with the obligations of South Carolina; to no other can such appeals be made with safety at any time; and to their decisions, when constitutionally pronounced, it becomes the duty no less of the public authorities than of the people in every case to yield a patriotic submission.

That a State or any other great portion of the people, suffering under long and intolerable oppression and having tried all constitutional remedies without the hope of redress, may have a natural right, when their happiness can be no otherwise secured, and when they can do so without greater injury to others, to absolve themselves from their obligations to the Government and appeal to the last resort, needs not on the present occasion be denied.

The existence of this right, however, must depend upon the causes which may justify its exercise. It is the *ultima ratio*, which presupposes that the proper appeals to all other means of redress have been made in good faith, and which can never be rightfully resorted to unless it be unavoidable. It is not the right of the State, but of the individual, and of all the individuals in the State. It is the right of mankind generally to secure by all means in their power the blessings of liberty and happiness; but when for these purposes any body of men have voluntarily associated themselves under a particular form of government, no portion of them can dissolve the association without acknowledging the correlative right in the remainder to decide whether that dissolution can be permitted consistently with the general happiness. In this view it is a right dependent upon the power to enforce it. Such a right, though it may be admitted to preexist and can not be wholly surrendered, is necessarily subjected to limitations in all free governments, and in compacts of all kinds freely and voluntarily entered into, and in which the interest and

welfare of the individual become identified with those of the community of which he is a member. In compacts between individuals, however deeply they may affect their relations, these principles are acknowledged to create a sacred obligation; and in compacts of civil government, involving the liberties and happiness of millions of mankind, the obligation can not be less.

Without adverting to the particular theories to which the federal compact has given rise, both as to its formation and the parties to it, and without inquiring whether it be merely federal or social or national, it is sufficient that it must be admitted to be a compact and to possess the obligations incident to a compact; to be "a compact by which power is created on the one hand and obedience exacted on the other; a compact freely, voluntarily, and solemnly entered into by the several States and ratified by the people thereof, respectively; a compact by which the several States and the people thereof, respectively, have bound themselves to each other and to the Federal Government, and by which the Federal Government is bound to the several States and to every citizen of the United States." To this compact, in whatever mode it may have been done, the people of South Carolina have freely and voluntarily given their assent, and to the whole and every part of it they are, upon every principle of good faith, inviolably bound. Under this obligation they are bound and should be required to contribute their portion of the public expense, and to submit to all laws made by the common consent, in pursuance of the Constitution, for the common defense and general welfare, until they can be changed in the mode which the compact has provided for the attainment of those great ends of the Government and of the Union. Nothing less than causes which would justify revolutionary remedy can absolve the people from this obligation, and for nothing less can the Government permit it to be done without violating its own obligations, by which, under the compact, it is bound to the other States and to every citizen of the United States.

These deductions plainly flow from the nature of the federal compact, which is one of limitations, not only upon the powers originally possessed by the parties thereto, but also upon those conferred on the Government and every department thereof. It will be freely conceded that by the principles of our system all power is vested in the people, but to be exercised in the mode and subject to the checks which the people themselves have prescribed. These checks are undoubtedly only different modifications of the same great popular principle which lies at the foundation of the whole, but are not on that account to be less regarded or less obligatory.

Upon the power of Congress, the veto of the Executive and the authority of the judiciary, which is to extend to all cases in law and equity arising under the Constitution and laws of the United States made in pursuance thereof, are the obvious checks, and the sound action of

public opinion, with the ultimate power of amendment, are the salutary and only limitation upon the powers of the whole.

However it may be alleged that a violation of the compact by the measures of the Government can affect the obligations of the parties, it can not even be pretended that such violation can be predicated of those measures until all the constitutional remedies shall have been fully tried. If the Federal Government exercise powers not warranted by the Constitution, and immediately affecting individuals, it will scarcely be denied that the proper remedy is a recourse to the judiciary. Such undoubtedly is the remedy for those who deem the acts of Congress laying duties and imposts, and providing for their collection, to be unconstitutional. The whole operation of such laws is upon the individuals importing the merchandise. A State is absolutely prohibited from laying imposts or duties on imports or exports without the consent of Congress, and can not become a party under these laws without importing in her own name or wrongfully interposing her authority against them. By thus interposing, however, she can not rightfully obstruct the operation of the laws upon individuals. For their disobedience to or violation of the laws the ordinary remedies through the judicial tribunals would remain. And in a case where an individual should be prosecuted for any offense against the laws, he could not set up in justification of his act a law of the State, which, being unconstitutional, would therefore be regarded as null and void. The law of a State can not authorize the commission of a crime against the United States or any other act which, according to the supreme law of the Union, would be otherwise unlawful; and it is equally clear that if there be any case in which a State, as such, is affected by the law beyond the scope of judicial power, the remedy consists in appeals to the people, either to effect a change in the representation or to procure relief by an amendment of the Constitution. But the measures of the Government are to be recognized as valid, and consequently supreme, until these remedies shall have been effectually tried, and any attempt to subvert those measures or to render the laws subordinate to State authority, and afterwards to resort to constitutional redress, is worse than evasive. It would not be a proper resistance to "a *government of unlimited powers*," as has been sometimes pretended, but unlawful opposition to the very limitations on which the harmonious action of the Government and all its parts absolutely depends. South Carolina has appealed to none of these remedies, but in effect has defied them all. While threatening to separate from the Union if any attempt be made to enforce the revenue laws otherwise than through the civil tribunals of the country, she has not only not appealed in her own name to those tribunals which the Constitution has provided for all cases in law or equity arising under the Constitution and laws of the United States, but has endeavored to frustrate their proper action on her citizens by drawing the cognizance of cases under the revenue laws to her own tribunals, specially prepared

and fitted for the purpose of enforcing the acts passed by the State to obstruct those laws, and both the judges and jurors of which will be bound by the import of oaths previously taken to treat the Constitution and laws of the United States in this respect as a nullity. Nor has the State made the proper appeal to public opinion and to the remedy of amendment; for without waiting to learn whether the other States will consent to a convention, or if they do will construe or amend the Constitution to suit her views, she has of her own authority altered the import of that instrument and given immediate effect to the change. In fine, she has set her own will and authority above the laws, has made herself arbiter in her own cause, and has passed at once over all intermediate steps to measures of avowed resistance, which, unless they be submitted to, can be enforced only by the sword.

In deciding upon the course which a high sense of duty to all the people of the United States imposes upon the authorities of the Union in this emergency, it can not be overlooked that there is no sufficient cause for the acts of South Carolina, or for her thus placing in jeopardy the happiness of so many millions of people. Misrule and oppression, to warrant the disruption of the free institutions of the Union of these States, should be great and lasting, defying all other remedy. For causes of minor character the Government could not submit to such a catastrophe without a violation of its most sacred obligations to the other States of the Union who have submitted their destiny to its hands.

There is in the present instance no such cause, either in the degree of misrule or oppression complained of or in the hopelessness of redress by constitutional means. The long sanction they have received from the proper authorities and from the people, not less than the unexampled growth and increasing prosperity of so many millions of freemen, attest that no such oppression as would justify, or even palliate, such a resort can be justly imputed either to the present policy or past measures of the Federal Government.

The same mode of collecting duties, and for the same general objects, which began with the foundation of the Government, and which has conducted the country through its subsequent steps to its present enviable condition of happiness and renown, has not been changed. Taxation and representation, the great principle of the American Revolution, have continually gone hand in hand, and at all times and in every instance no tax of any kind has been imposed without their participation, and, in some instances which have been complained of, with the express assent of a part of the representatives of South Carolina in the councils of the Government. Up to the present period no revenue has been raised beyond the necessary wants of the country and the authorized expenditures of the Government; and as soon as the burthen of the public debt is removed those charged with the administration have promptly recommended a corresponding reduction of revenue.

That this system thus pursued has resulted in no such oppression upon South Carolina needs no other proof than the solemn and official declaration of the late chief magistrate of that State in his address to the legislature. In that he says that—

> The occurrences of the past year, in connection with our domestic concerns, are to be reviewed with a sentiment of fervent gratitude to the Great Disposer of Human Events; that tributes of grateful acknowledgment are due for the various and multiplied blessings He has been pleased to bestow on our people; that abundant harvests in every quarter of the State have crowned the exertions of agricultural labor; that health almost beyond former precedent has blessed our homes, and that there is not less reason for thankfulness in surveying our social condition.

It would indeed be difficult to imagine oppression where in the social condition of a people there was equal cause of thankfulness as for abundant harvests and varied and multiplied blessings with which a kind Providence had favored them.

Independently of these considerations, it will not escape observation that South Carolina still claims to be a component part of the Union, to participate in the national councils and to share in the public benefits without contributing to the public burdens, thus asserting the dangerous anomaly of continuing in an association without acknowledging any other obligation to its laws than what depends upon her own will.

In this posture of affairs the duty of the Government seems to be plain. It inculcates a recognition of that State as a member of the Union and subject to its authority, a vindication of the just power of the Constitution, the preservation of the integrity of the Union, and the execution of the laws by all constitutional means.

The Constitution, which his oath of office obliges him to support, declares that the Executive "*shall take care that the laws be faithfully executed*," and in providing that he shall from time to time give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient, imposes the additional obligation of recommending to Congress such more efficient provision for executing the laws as may from time to time be found requisite.

The same instrument confers on Congress the power not merely to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare, but "to make all laws which shall be necessary and proper for carrying into effect the foregoing powers and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof," and also to provide for calling forth the militia for executing the laws of the Union. In all cases similar to the present the duties of the Government become the measure of its powers, and whenever it fails to exercise a power necessary and proper to the discharge of the duty prescribed by the Constitution it violates the public trusts not less than it would in

transcending its proper limits. To refrain, therefore, from the high and solemn duties thus enjoined, however painful the performance may be, and thereby tacitly permit the rightful authority of the Government to be contemned and its laws obstructed by a single State, would neither comport with its own safety nor the rights of the great body of the American people.

It being thus shown to be the duty of the Executive to execute the laws by all constitutional means, it remains to consider the extent of those already at his disposal and what it may be proper further to provide.

In the instructions of the Secretary of the Treasury to the collectors in South Carolina the provisions and regulations made by the act of 1799, and also the fines, penalties, and forfeitures for their enforcement, are particularly detailed and explained. It may be well apprehended, however, that these provisions may prove inadequate to meet such an open, powerful, organized opposition as is to be commenced after the 1st of February next.

Subsequently to the date of these instructions and to the passage of the ordinance, information has been received from sources entitled to be relied on that owing to the popular excitement in the State and the effect of the ordinance declaring the execution of the revenue laws unlawful a sufficient number of persons in whom confidence might be placed could not be induced to accept the office of inspector to oppose with any probability of success the force which will no doubt be used when an attempt is made to remove vessels and their cargoes from the custody of the officers of the customs, and, indeed, that it would be impracticable for the collector, with the aid of any number of inspectors whom he may be authorized to employ, to preserve the custody against such an attempt.

The removal of the custom-house from Charleston to Castle Pinckney was deemed a measure of necessary precaution, and though the authority to give that direction is not questioned, it is nevertheless apparent that a similar precaution can not be observed in regard to the ports of Georgetown and Beaufort, each of which under the present laws remains a port of entry and exposed to the obstructions meditated in that quarter.

In considering the best means of avoiding or of preventing the apprehended obstruction to the collection of the revenue, and the consequences which may ensue, it would appear to be proper and necessary to enable the officers of the customs to preserve the custody of vessels and their cargoes, which by the existing laws they are required to take, until the duties to which they are liable shall be paid or secured. The mode by which it is contemplated to deprive them of that custody is the process of replevin and that of *capias in withernam*, in the nature of a distress from the State tribunals organized by the ordinance.

Against the proceeding in the nature of a distress it is not perceived that the collector can interpose any resistance whatever, and against the

process of replevin authorized by the law of the State he, having no common-law power, can only oppose such inspectors as he is by statute authorized and may find it practicable to employ, and these, from the information already adverted to, are shown to be wholly inadequate.

The respect which that process deserves must therefore be considered.

If the authorities of South Carolina had not obstructed the legitimate action of the courts of the United States, or if they had permitted the State tribunals to administer the law according to their oath under the Constitution and the regulations of the laws of the Union, the General Government might have been content to look to them for maintaining the custody and to encounter the other inconveniences arising out of the recent proceedings. Even in that case, however, the process of replevin from the courts of the State would be irregular and unauthorized. It has been decided by the Supreme Court of the United States that the courts of the United States have exclusive jurisdiction of all seizures made on land or water for a breach of the laws of the United States, and any intervention of a State authority which, by taking the thing seized out of the hands of the United States officer, might obstruct the exercise of this jurisdiction is unlawful; that in such case the court of the United States having cognizance of the seizure may enforce a redelivery of the thing by attachment or other summary process; that the question under such a seizure whether a forfeiture has been actually incurred belongs exclusively to the courts of the United States, and it depends on the final decree whether the seizure is to be deemed rightful or tortuous; and that not until the seizure be finally judged wrongful and without probable cause by the courts of the United States can the party proceed at common law for damages in the State courts.

But by making it "unlawful for any of the constituted authorities, whether of the United States or of the State, to enforce the laws for the payment of duties, and declaring that all judicial proceedings which shall be hereafter had in affirmance of the contracts made with purpose to secure the duties imposed by the said acts are and shall be held utterly null and void," she has in effect abrogated the judicial tribunals within her limits in this respect, has virtually denied the United States access to the courts established by their own laws, and declared it unlawful for the judges to discharge those duties which they are sworn to perform. In lieu of these she has substituted those State tribunals already adverted to, the judges whereof are not merely forbidden to allow an appeal or permit a copy of their record, but are previously sworn to disregard the laws of the Union and enforce those only of South Carolina, and thus deprived of the function essential to the judicial character of inquiring into the validity of the law and the right of the matter, become merely ministerial instruments in aid of the concerted obstruction of the laws of the Union.

Neither the process nor authority of these tribunals thus constituted

can be respected consistently with the supremacy of the laws or the rights and security of the citizen. If they be submitted to, the protection due from the Government to its officers and citizens is withheld, and there is at once an end not only to the laws, but to the Union itself.

Against such a force as the sheriff may, and which by the replevin law of South Carolina it is his duty to exercise, it can not be expected that a collector can retain his custody with the aid of the inspectors. In such case, it is true, it would be competent to institute suits in the United States courts against those engaged in the unlawful proceeding, or the property might be seized for a violation of the revenue laws, and, being libeled in the proper courts, an order might be made for its redelivery, which would be committed to the marshal for execution. But in that case the fourth section of the act, in broad and unqualified terms, makes it the duty of the sheriff "to prevent such recapture or seizure, or to redeliver the goods, as the case may be," "even under any process, order, or decrees, or other pretext contrary to the true intent and meaning of the ordinance aforesaid." It is thus made the duty of the sheriff to oppose the process of the courts of the United States, and for that purpose, if need be, to employ the whole power of the county. And the act expressly reserves to him all power which, independently of its provisions, he could have used. In this reservation it obviously contemplates a resort to other means than those particularly mentioned.

It is not to be disguised that the power which it is thus enjoined upon the sheriff to employ is nothing less than the *posse comitatus* in all the rigor of the ancient common law. This power, though it may be used against unlawful resistance to judicial process, is in its character forcible, and analogous to that conferred upon the marshals by the act of 1795. It is, in fact, the embodying of the whole mass of the population, under the command of a single individual, to accomplish by their forcible aid what could not be effected peaceably and by the ordinary means. It may properly be said to be a relic of those ages in which the laws could be defended rather by physical than moral force, and in its origin was conferred upon the sheriffs of England to enable them to defend their county against any of the King's enemies when they came into the land, as well as for the purpose of executing process. In early and less civilized times it was intended to include "the aid and attendance of all knights and others who were bound to have harness." It includes the right of going with arms and military equipment, and embraces larger classes and greater masses of population than can be compelled by the laws of most of the States to perform militia duty. If the principles of the common law are recognized in South Carolina (and from this act it would seem they are), the power of summoning the *posse comitatus* will compel, under the penalty of fine and imprisonment, every man over the age of 15, and able to travel, to turn out at the call of the sheriff, and with such weapons as may be necessary; and it may justify beating,

and even killing, such as may resist. The use of the *posse comitatus* is therefore a direct application of force, and can not be otherwise regarded than as the employment of the whole militia force of the county, and in an equally efficient form under a different name. No proceeding which resorts to this power to the extent contemplated by the act can be properly denominated peaceable.

The act of South Carolina, however, does not rely altogether upon this forcible remedy. For even attempting to resist or disobey, though by the aid only of the ordinary officers of the customs, the process of replevin, the collector and all concerned are subjected to a further proceeding in the nature of a distress of their personal effects, and are, moreover, made guilty of a misdemeanor, and liable to be punished by a fine of not less than $1,000 nor more than $5,000 and to imprisonment not exceeding two years and not less than six months; and for even attempting to execute the order of the court for retaking the property the marshal and all assisting would be guilty of a misdemeanor and liable to a fine of not less than $3,000 nor more than $10,000 and to imprisonment not exceeding two years nor less than one; and in case the goods should be retaken under such process it is made the absolute duty of the sheriff to retake them.

It is not to be supposed that in the face of these penalties, aided by the powerful force of the county, which would doubtless be brought to sustain the State officers, either that the collector would retain the custody in the first instance or that the marshal could summon sufficient aid to retake the property pursuant to the order or other process of the court.

It is, moreover, obvious that in this conflict between the powers of the officers of the United States and of the State (unless the latter be passively submitted to) the destruction to which the property of the officers of the customs would be exposed, the commission of actual violence, and the loss of lives would be scarcely avoidable.

Under these circumstances and the provisions of the acts of South Carolina the execution of the laws is rendered impracticable even through the ordinary judicial tribunals of the United States. There would certainly be fewer difficulties, and less opportunity of actual collision between the officers of the United States and of the State, and the collection of the revenue would be more effectually secured—if, indeed, it can be done in any other way—by placing the custom-house beyond the immediate power of the county.

For this purpose it might be proper to provide that whenever by any unlawful combination or obstruction in any State or in any port it should become impracticable faithfully to collect the duties, the President of the United States should be authorized to alter and abolish such of the districts and ports of entry as should be necessary, and to establish the custom-house at some secure place within some port or harbor of such State; and in such cases it should be the duty of the collector to reside at such

place, and to detain all vessels and cargoes until the duties imposed by law should be properly secured or paid in cash, deducting interest; that in such cases it should be unlawful to take the vessel and cargo from the custody of the proper officer of the customs unless by process from the ordinary judicial tribunals of the United States, and that in case of an attempt otherwise to take the property by a force too great to be overcome by the officers of the customs it should be lawful to protect the possession of the officers by the employment of the land and naval forces and militia, under provisions similar to those authorized by the eleventh section of the act of the 9th of January, 1809.

This provision, however, would not shield the officers and citizens of the United States, acting under the laws, from suits and prosecutions in the tribunals of the State which might thereafter be brought against them, nor would it protect their property from the proceeding by distress, and it may well be apprehended that it would be insufficient to insure a proper respect to the process of the constitutional tribunals in prosecutions for offenses against the United States and to protect the authorities of the United States, whether judicial or ministerial, in the performance of their duties. It would, moreover, be inadequate to extend the protection due from the Government to that portion of the people of South Carolina against outrage and oppression of any kind who may manifest their attachment and yield obedience to the laws of the Union.

It may therefore be desirable to revive, with some modifications better adapted to the occasion, the sixth section of the act of the 3d March, 1815, which expired on the 4th March, 1817, by the limitation of that of 27th April, 1816, and to provide that in any case where suit shall be brought against any individual in the courts of the State for any act done under the laws of the United States he should be authorized to remove the said cause by petition into the circuit court of the United States without any copy of the record, and that the court should proceed to hear and determine the same as if it had been originally instituted therein; and that in all cases of injuries to the persons or property of individuals for disobedience to the ordinance and laws of South Carolina in pursuance thereof redress may be sought in the courts of the United States. It may be expedient also, by modifying the resolution of the 3d March, 1791, to authorize the marshals to make the necessary provision for the safe-keeping of prisoners committed under the authority of the United States.

Provisions less than these, consisting as they do for the most part rather of a revival of the policy of former acts called for by the existing emergency than of the introduction of any unusual or rigorous enactments, would not cause the laws of the Union to be properly respected or enforced. It is believed these would prove adequate unless the military forces of the State of South Carolina authorized by the late act of the legislature should be actually embodied and called out in aid

of their proceedings and of the provisions of the ordinance generally. Even in that case, however, it is believed that no more will be necessary than a few modifications of its terms to adapt the act of 1795 to the present emergency, as by that act the provisions of the law of 1792 were accommodated to the crisis then existing, and by conferring authority upon the President to give it operation during the session of Congress, and without the ceremony of a proclamation, whenever it shall be officially made known to him by the authority of any State, or by the courts of the United States, that within the limits of such State the laws of the United States will be openly opposed and their execution obstructed by the actual employment of military force, or by any unlawful means whatsoever too great to be otherwise overcome.

In closing this communication, I should do injustice to my own feelings not to express my confident reliance upon the disposition of each department of the Government to perform its duty and to cooperate in all measures necessary in the present emergency.

The crisis undoubtedly invokes the fidelity of the patriot and the sagacity of the statesman, not more in removing such portion of the public burden as may be necessary than in preserving the good order of society and in the maintenance of well-regulated liberty.

While a forbearing spirit may, and I trust will, be exercised toward the errors of our brethren in a particular quarter, duty to the rest of the Union demands that open and organized resistance to the laws should not be executed with impunity.

The rich inheritance bequeathed by our fathers has devolved upon us the sacred obligation of preserving it by the same virtues which conducted them through the eventful scenes of the Revolution and ultimately crowned their struggle with the noblest model of civil institutions. They bequeathed to us a Government of laws and a Federal Union founded upon the great principle of popular representation. After a successful experiment of forty-four years, at a moment when the Government and the Union are the objects of the hopes of the friends of civil liberty throughout the world, and in the midst of public and individual prosperity unexampled in history, we are called to decide whether these laws possess any force and that Union the means of self-preservation. The decision of this question by an enlightened and patriotic people can not be doubtful. For myself, fellow-citizens, devoutly relying upon that kind Providence which has hitherto watched over our destinies, and actuated by a profound reverence for those institutions I have so much cause to love, and for the American people, whose partiality honored me with their highest trust, I have determined to spare no effort to discharge the duty which in this conjuncture is devolved upon me. That a similar spirit will actuate the representatives of the American people is not to be questioned; and I fervently pray that the Great Ruler of Nations may so guide your deliberations and our joint measures as that they may prove

salutary examples not only to the present but to future times, and solemnly proclaim that the Constitution and the laws are supreme and the *Union indissoluble.*

ANDREW JACKSON.

WASHINGTON, *January 16, 1833.*

To the Senate:

In conformity with a resolution of the Senate of the 31st December last, I herewith transmit copies of the instructions under which the late treaty of indemnity with Naples was negotiated, and of all the correspondence relative thereto.

It will appear evident from a perusal of some of those documents that they are written by the agents of the United States to their own Government with a freedom, as far as relates to the officers of that of Naples, which was never intended for the public eye, and as they might, if printed, accidentally find their way abroad and thereby embarrass our ministers in their future operations in foreign countries, I respectfully recommend that in the printing, if deemed necessary, such a discrimination be made as to avoid that inconvenience, preferring this course to withholding from the Senate any part of the correspondence.

ANDREW JACKSON.

WASHINGTON, *January 17, 1833.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In conformity with a resolution of the House of Representatives of the 11th December last, I herewith transmit "such portions as have not heretofore been communicated of the instructions given to our ministers in France on the subject of claims for spoliations since September, 1800, and of the correspondence of said ministers with the French Government and with the Secretary of State of the United States on the same subject."

ANDREW JACKSON.

WASHINGTON, *January 22, 1833.*

To the Senate:

Having received on yesterday certified copies of the acts passed by the State of South Carolina to carry into effect her ordinance of nullification, which were referred to in my message of the 16th instant to Congress, I now transmit them.

As but one copy of these acts was sent to me, I am prevented from communicating them by a joint message to the two Houses of Congress.

ANDREW JACKSON.

WASHINGTON, *January 23, 1833.*

THE PRESIDENT OF THE SENATE:

A treaty of peace, friendship, and amity between the United States and the King of the Belgians having this day been concluded by the plenipotentiaries of the respective countries, I herewith transmit it to the Senate for its consideration.

ANDREW JACKSON.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit to the House of Representatives a report of the Secretary of State, with a list of appointments made by the Executive since the 13th of April, 1826, from members of Congress during their term of service and for twelve months thereafter, pursuant to the resolution of the said House of the 26th of December, 1832, which I referred to him, and which appointments are recorded in his office. I send likewise a list of similar appointments, also furnished by the Secretary of State and of record in his office, from the 3d of March, 1825, to the 13th of April, 1826.

ANDREW JACKSON.

JANUARY 23, 1833.

To the House of Representatives:

I send herewith a convention concluded on the 14th day of October last between the United States and His Majesty the King of the Two Sicilies. This treaty has been ratified by me agreeably to the Constitution, and the ratification will be dispatched to Naples without delay, when there is no doubt it will be ratified by His Sicilian Majesty.

The early communication of this treaty is deemed proper because it will be necessary to provide for the execution of the first article in order that our fellow-citizens may with as little delay as possible obtain the compensation stipulated for by this convention.

ANDREW JACKSON.

JANUARY 24, 1833.

WASHINGTON, *January 25, 1833.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit herewith, for the information of Congress, the report of the officer to whom was intrusted the inspection of the works for the improvement of the navigation of the Ohio and Mississippi rivers.

ANDREW JACKSON.

WASHINGTON, *January 29, 1833.*

To the House of Representatives:

I herewith transmit to the House of Representatives a report from the Postmaster-General, which I request may be considered as forming a

part of my message of the 23d instant, in answer to the resolution calling for a list of all appointments made by the Executive since the 13th April, 1826, from the members of Congress during their term of service and for twelve months thereafter, etc.

ANDREW JACKSON.

WASHINGTON, *February 7, 1833.*

To the Senate and House of Representatives:

I transmit, for the consideration of Congress, a report from the Secretary of State, on the subject of our diplomatic intercourse with foreign nations.

ANDREW JACKSON.

WASHINGTON, *February 12, 1833.*

To the Senate:

In compliance with the resolution of the Senate requesting the President of the United States to lay before it "copies of the orders which have been given to the commanding officers of the military forces assembled in and near to the city of Charleston, S. C., and also copies of the orders which have been given to the commander of the naval forces assembled in the harbor of Charleston, particularly such orders, if any such have been given, to resist the constituted authorities of the State of South Carolina within the limits of said State," I transmit herewith papers, numbered from 1 to 17, inclusive, embracing the orders which have been given to the commanding officers of the land and naval forces assembled in and near the city of Charleston and within the limits of the State of South Carolina, and which relate to the military operations in that quarter. No order has at any time been given in any manner inconsistent therewith. There is a part, however, of the letter of the Secretary of War dated December 3, 1832, omitted, which, being conditional in its character, and not relating to the operation of the troops, it is deemed improper in the present state of the service to communicate.

No order has been at any time given "to resist" the constituted authorities of the State of South Carolina within the chartered limits of said State.

ANDREW JACKSON.

WASHINGTON, *February 12, 1833.*

To the Senate:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, a treaty recently concluded between the commissioners for adjusting all differences with the Indians west of the Mississippi and the mixed band of Shawnese and Senecas who emigrated from Ohio. I transmit also the journal of their proceedings.

ANDREW JACKSON.

WASHINGTON, *February 15, 1833.*

To the Senate:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, articles of agreement supplemental to the treaty of February 8, 1831, between the commissioner on the part of the United States and the Menominee tribe of Indians, with the assent of the New York Indians.

I transmit also the journal of proceedings.

ANDREW JACKSON.

WASHINGTON, *February 19, 1833.*

To the Senate:

The renomination of Samuel Gwin to be register of the land office at Mount Salus, in the State of Mississippi, having been on the 16th of July last laid upon the table of the Senate, with a resolution declaring that it was not the intention of the Senate to take any proceeding in regard to it during that session, a vacancy in the office was found existing in the recess, which the public service required to be filled, and which was filled by the appointment of Samuel Gwin. I therefore nominate the said Gwin to the same office.

In addition to the papers which were transmitted with his nomination at the last session, I have received others from the most respectable sources in the State of Mississippi, bearing the fullest testimony to his fitness for the office in question. Of this character are the two now inclosed, signed by members of the convention recently assembled to revise the constitution of the State, and also by many members of its present legislature. They also show that the appointment of Mr. Gwin would be acceptable to the great body of the people interested in the office.

ANDREW JACKSON.

WASHINGTON, *February 22, 1833.*

To the House of Representatives:

I transmit herewith, for the consideration of the House, a letter from General Lafayette to the Secretary of State, with the petition which came inclosed in it of the Countess d'Ambrugeac and Madame de la Gorée, granddaughter of Marshal Count Rochambeau, and original documents in support thereof, praying compensation for services rendered by the Count to the United States during the Revolutionary war, together with translations of the same; and I transmit with the same view the petition of Messrs. De Fontenille de Jeaumont and De Rossignol Grandmont, praying compensation for services rendered by them to the United States in the French army, and during the same war, with original papers in support thereof, all received through the same channel, together with translations of the same.

ANDREW JACKSON.

WASHINGTON, *February 22, 1833.*

To the Senate of the United States:

I transmit to the Senate, for its advice and consent as to the ratification of the same, a treaty of commerce and navigation between the United States and Russia, concluded and signed at St. Petersburg on the 18th of December, 1832, by the plenipotentiaries of the two parties, with an additional article to the same, concluded and signed on the same day, together with an extract from the dispatch of the minister of the United States at St. Petersburg to the Secretary of State, communicating the said treaty and additional article.

ANDREW JACKSON.

WASHINGTON, *February 26, 1833.*

To the Senate:

I transmit herewith, for the advice and consent of the Senate as to the ratification of the same, a treaty concluded with the Ottawa Indians residing on the Miami of Lake Erie on the 18th instant by the commissioners on the part of the United States.

ANDREW JACKSON.

WASHINGTON, *March 2, 1833.*

To the Senate:

I transmit herewith, for the consideration of the Senate, a report from the Secretary of State, in relation to the consular establishment of the United States.

ANDREW JACKSON.

WASHINGTON, *March 2, 1833.*

To the Senate:

I have made several nominations to offices located within the limits of the State of Mississippi which have not received the approbation of the Senate. Inferring that these nominations have been rejected in pursuance of a resolution adopted by the Senate on the 3d of February, 1831, "that it is inexpedient to appoint a citizen of one State to an office which may be vacated or become vacant in any other State of the Union within which such citizen does not reside, without some evident necessity for such appointment," and regarding that resolution, in effect, as an unconstitutional restraint upon the authority of the President in relation to appointments to office, I think it proper to inform the Senate that I shall feel it my duty to abstain from any further attempt to fill the offices in question.

ANDREW JACKSON.

The PRESIDENT OF THE SENATE:

In compliance with a resolution of the Senate passed the 1st instant, requesting "that the President inform the Senate, if not incompatible with the public interest, what negotiation has been had since the last session of Congress with Great Britain in relation to the northeastern boundary of the United States, and the progress and result thereof; also whether any arrangement, stipulation, or agreement has at any time been made between the Executive of the United States and the government of the State of Maine, or by commissioners or agents on the part of the United States and that State, having reference to any proposed transfer or relinquishment of their right of jurisdiction and territory belonging to that State, together with all documents, correspondence, and communications in relation thereto," I inform the Senate that overtures for opening a negotiation for the settlement of the boundary between the United States and the British provinces have been made to the Government of Great Britain since the last session, but that no definitive answer has yet been received to these propositions, and that a conditional arrangement has been made between commissioners appointed by me and others named by the governor of Maine, with the authority of its legislature, which can not take effect without the sanction of Congress and of the legislature aforesaid, and which will be communicated to them as soon as the contingency in which alone it was intended to operate shall happen. In the meantime it is not deemed compatible with the public interest that it should be communicated.

ANDREW JACKSON.

MARCH 2, 1833.

VETO MESSAGES.*

WASHINGTON, *December 6, 1832.*

To the Senate of the United States:

I avail myself of this early opportunity to return to the Senate, in which it originated, the bill entitled "An act providing for the final settlement of the claims of States for interest on advances to the United States made during the last war," with the reasons which induced me to withhold my approbation, in consequence of which it has failed to become a law.

This bill was presented to me for my signature on the last day of your session, and when I was compelled to consider a variety of other bills of greater urgency to the public service. It obviously embraced a principle in the allowance of interest different from that which had been sanctioned by the practice of the accounting officers or by the previous

* Pocket vetoes.

legislation of Congress in regard to the advances by the States, and without any apparent grounds for the change.

Previously to giving my sanction to so great an extension of the practice of allowing interest upon accounts with the Government, and which in its consequences and from analogy might not only call for large payments from the Treasury, but disturb the great mass of individual accounts long since finally settled, I deemed it my duty to make a more thorough investigation of the subject than it was possible for me to do previously to the close of your last session. I adopted this course the more readily from the consideration that as the bill contained no appropriation the States which would have been entitled to claim its benefits could not have received them without the fuller legislation of Congress.

The principle which this bill authorizes varies not only from the practice uniformly adopted by many of the accounting officers in the case of individual accounts and in those of the States finally settled and closed previously to your last session, but also from that pursued under the act of your last session for the adjustment and settlement of the claims of the State of South Carolina. This last act prescribed no particular mode for the allowance of interest, which, therefore, in conformity with the directions of Congress in previous cases and with the uniform practice of the Auditor by whom the account was settled, was computed on the sums expended by the State of South Carolina for the use and benefit of the United States, and which had been repaid to the State; and the payments made by the United States were deducted from the principal sums, exclusive of the interest, thereby stopping future interest on so much of the principal as had been reimbursed by the payment.

I deem it proper, moreover, to observe that both under the act of the 5th of August, 1790, and that of the 12th of February, 1793, authorizing the settlement of the accounts between the United States and the individual States arising out of the war of the Revolution, the interest on those accounts was computed in conformity with the practice already adverted to, and from which the bill now returned is a departure.

With these reasons and considerations I return the bill to the Senate.

ANDREW JACKSON.

To the House of Representatives: DECEMBER 6, 1832.

In addition to the general views I have heretofore expressed to Congress on the subject of internal improvement, it is my duty to advert to it again in stating my objections to the bill entitled "An act for the improvement of certain harbors and the navigation of certain rivers," which was not received a sufficient time before the close of the last session to enable me to examine it before the adjournment.

Having maturely considered that bill within the time allowed me by the Constitution, and being convinced that some of its provisions

conflict with the rule adopted for my guide on this subject of legislation, I have been compelled to withhold from it my signature, and it has therefore failed to become a law.

To facilitate as far as I can the intelligent action of Congress upon the subjects embraced in this bill, I transmit herewith a report from the Engineer Department, distinguishing, as far as the information within its possession would enable it, between those appropriations which do and those which do not conflict with the rules by which my conduct in this respect has hitherto been governed. By that report it will be seen that there is a class of appropriations in the bill for the improvement of streams that are not navigable, that are not channels of commerce, and that do not pertain to the harbors or ports of entry designated by law, or have any ascertained connection with the usual establishments for the security of commerce, external or internal.

It is obvious that such appropriations involve the sanction of a principle that concedes to the General Government an unlimited power over the subject of internal improvements, and that I could not, therefore, approve a bill containing them without receding from the positions taken in my veto of the Maysville road bill, and afterwards in my annual message of December 6, 1830.

It is to be regretted that the rules by which the classification of the improvements in this bill has been made by the Engineer Department are not more definite and certain, and that embarrassments may not always be avoided by the observance of them, but as neither my own reflection nor the lights derived from other sources have furnished me with a better guide, I shall continue to apply my best exertions to their application and enforcement. In thus employing my best faculties to exercise the power with which I am invested to avoid evils and to effect the greatest attainable good for our common country I feel that I may trust to your cordial cooperation, and the experience of the past leaves me no room to doubt the liberal indulgence and favorable consideration of those for whom we act.

The grounds upon which I have given my assent to appropriations for the construction of light-houses, beacons, buoys, public piers, and the removal of sand bars, sawyers, and other temporary or partial impediments in our navigable rivers and harbors, and with which many of the provisions of this bill correspond, have been so fully stated that I trust a repetition of them is unnecessary. Had there been incorporated in the bill no provisions for works of a different description, depending on principles which extend the power of making appropriations to every object which the discretion of the Government may select, and losing sight of the distinctions between national and local character which I had stated would be my future guide on the subject, I should have cheerfully signed the bill.

ANDREW JACKSON.

PROCLAMATION.

By Andrew Jackson, President of the United States.

Whereas a convention assembled in the State of South Carolina have passed an ordinance by which they declare "that the several acts and parts of acts of the Congress of the United States purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially" two acts for the same purposes passed on the 29th of May, 1828, and on the 14th of July, 1832, "are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null and void and no law," nor binding on the citizens of that State or its officers; and by the said ordinance it is further declared to be unlawful for any of the constituted authorities of the State or of the United States to enforce the payment of the duties imposed by the said acts within the same State, and that it is the duty of the legislature to pass such laws as may be necessary to give full effect to the said ordinance; and

Whereas by the said ordinance it is further ordained that in no case of law or equity decided in the courts of said State wherein shall be drawn in question the validity of the said ordinance, or of the acts of the legislature that may be passed to give it effect, or of the said laws of the United States, no appeal shall be allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose, and that any person attempting to take such appeal shall be punished as for contempt of court; and, finally, the said ordinance declares that the people of South Carolina will maintain the said ordinance at every hazard, and that they will consider the passage of any act by Congress abolishing or closing the ports of the said State or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the said acts otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union, and that the people of the said State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate government and do all other acts and things which sovereign and independent states may of right do; and

Whereas the said ordinance prescribes to the people of South Carolina a course of conduct in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its Constitution, and having for its object the destruction of the Union—

that Union which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through a sanguinary struggle to a glorious independence; that sacred Union, hitherto inviolate, which, perfected by our happy Constitution, has brought us, by the favor of Heaven, to a state of prosperity at home and high consideration abroad rarely, if ever, equaled in the history of nations:

To preserve this bond of our political existence from destruction, to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow-citizens have reposed in me, I, Andrew Jackson, President of the United States, have thought proper to issue this my proclamation, stating my views of the Constitution and laws applicable to the measures adopted by the convention of South Carolina and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the convention.

Strict duty would require of me nothing more than the exercise of those powers with which I am now or may hereafter be invested for preserving the peace of the Union and for the execution of the laws; but the imposing aspect which opposition has assumed in this case, by clothing itself with State authority, and the deep interest which the people of the United States must all feel in preventing a resort to stronger measures while there is a hope that anything will be yielded to reasoning and remonstrance, perhaps demand, and will certainly justify, a full exposition to South Carolina and the nation of the views I entertain of this important question, as well as a distinct enunciation of the course which my sense of duty will require me to pursue.

The ordinance is founded, not on the indefeasible right of resisting acts which are plainly unconstitutional and too oppressive to be endured, but on the strange position that any one State may not only declare an act of Congress void, but prohibit its execution; that they may do this consistently with the Constitution; that the true construction of that instrument permits a State to retain its place in the Union and yet be bound by no other of its laws than those it may choose to consider as constitutional. It is true, they add, that to justify this abrogation of a law it must be palpably contrary to the Constitution; but it is evident that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws; for as by the theory there is no appeal, the reasons alleged by the State, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power, it may be asked why it is not deemed a sufficient guard against the passage of an unconstitutional act by Congress? There is, however, a restraint in

this last case which makes the assumed power of a State more indefensible, and which does not exist in the other. There are two appeals from an unconstitutional act passed by Congress—one to the judiciary, the other to the people and the States. There is no appeal from the State decision in theory, and the practical illustration shows that the courts are closed against an application to review it, both judges and jurors being sworn to decide in its favor. But reasoning on this subject is superfluous when our social compact, in express terms, declares that the laws of the United States, its Constitution, and treaties made under it are the supreme law of the land, and, for greater caution, adds "that the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." And it may be asserted without fear of refutation that no federative government could exist without a similar provision. Look for a moment to the consequence. If South Carolina considers the revenue laws unconstitutional and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port; and no revenue could be collected anywhere, for all imposts must be equal. It is no answer to repeat that an unconstitutional law is no law so long as the question of its legality is to be decided by the State itself, for every law operating injuriously upon any local interest will be perhaps thought, and certainly represented, as unconstitutional, and, as has been shown, there is no appeal.

If this doctrine had been established at an earlier day, the Union would have been dissolved in its infancy. The excise law in Pennsylvania, the embargo and nonintercourse law in the Eastern States, the carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but, fortunately, none of those States discovered that they had the right now claimed by South Carolina. The war into which we were forced to support the dignity of the nation and the rights of our citizens might have ended in defeat and disgrace, instead of victory and honor, if the States who supposed it a ruinous and unconstitutional measure had thought they possessed the right of nullifying the act by which it was declared and denying supplies for its prosecution. Hardly and unequally as those measures bore upon several members of the Union, to the legislatures of none did this efficient and peaceable remedy, as it is called, suggest itself. The discovery of this important feature in our Constitution was reserved to the present day. To the statesmen of South Carolina belongs the invention, and upon the citizens of that State will unfortunately fall the evils of reducing it to practice.

If the doctrine of a State veto upon the laws of the Union carries with it internal evidence of its impracticable absurdity, our constitutional history will also afford abundant proof that it would have been repudiated with indignation had it been proposed to form a feature in our Government.

In our colonial state, although dependent on another power, we very early considered ourselves as connected by common interest with each other. Leagues were formed for common defense, and before the declaration of independence we were known in our aggregate character as *the United Colonies of America*. That decisive and important step was taken jointly. We declared ourselves a nation by a joint, not by several acts, and when the terms of our Confederation were reduced to form it was in that of a solemn league of several States, by which they agreed that they would collectively form one nation for the purpose of conducting some certain domestic concerns and all foreign relations. In the instrument forming that Union is found an article which declares that "every State shall abide by the determinations of Congress on all questions which by that Confederation should be submitted to them."

Under the Confederation, then, no State could legally annul a decision of the Congress or refuse to submit to its execution; but no provision was made to enforce these decisions. Congress made requisitions, but they were not complied with. The Government could not operate on individuals. They had no judiciary, no means of collecting revenue.

But the defects of the Confederation need not be detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home nor consideration abroad. This state of things could not be endured, and our present happy Constitution was formed, but formed in vain if this fatal doctrine prevails. It was formed for important objects that are announced in the preamble, made in the name and by the authority of the people of the United States, whose delegates framed and whose conventions approved it. The most important among these objects—that which is placed first in rank, on which all the others rest—is "*to form a more perfect union.*" Now, is it possible that even if there were no express provision giving supremacy to the Constitution and laws of the United States over those of the States, can it be conceived that an instrument made for the purpose of "*forming a more perfect union*" than that of the Confederation could be so constructed by the assembled wisdom of our country as to substitute for that Confederation a form of government dependent for its existence on the local interest, the party spirit, of a State, or of a prevailing faction in a State? Every man of plain, unsophisticated understanding who hears the question will give such an answer as will preserve the Union. Metaphysical subtlety, in pursuit of an impracticable theory, could alone have devised one that is calculated to destroy it.

I consider, then, the power to annul a law of the United States, assumed by one State, *incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed.*

After this general view of the leading principle, we must examine the particular application of it which is made in the ordinance.

The preamble rests its justification on these grounds: It assumes as a fact that the obnoxious laws, although they purport to be laws for raising revenue, were in reality intended for the protection of manufactures, which purpose it asserts to be unconstitutional; that the operation of these laws is unequal; that the amount raised by them is greater than is required by the wants of the Government; and, finally, that the proceeds are to be applied to objects unauthorized by the Constitution. These are the only causes alleged to justify an open opposition to the laws of the country and a threat of seceding from the Union if any attempt should be made to enforce them. The first virtually acknowledges that the law in question was passed under a power expressly given by the Constitution to lay and collect imposts; but its constitutionality is drawn in question from the *motives* of those who passed it. However apparent this purpose may be in the present case, nothing can be more dangerous than to admit the position that an unconstitutional purpose entertained by the members who assent to a law enacted under a constitutional power shall make that law void. For how is that purpose to be ascertained? Who is to make the scrutiny? How often may bad purposes be falsely imputed, in how many cases are they concealed by false professions, in how many is no declaration of motive made? Admit this doctrine, and you give to the States an uncontrolled right to decide, and every law may be annulled under this pretext. If, therefore, the absurd and dangerous doctrine should be admitted that a State may annul an unconstitutional law, or one that it deems such, it will not apply to the present case.

The next objection is that the laws in question operate unequally. This objection may be made with truth to every law that has been or can be passed. The wisdom of man never yet contrived a system of taxation that would operate with perfect equality. If the unequal operation of a law makes it unconstitutional, and if all laws of that description may be abrogated by any State for that cause, then, indeed, is the Federal Constitution unworthy of the slightest effort for its preservation. We have hitherto relied on it as the perpetual bond of our Union; we have received it as the work of the assembled wisdom of the nation; we have trusted to it as to the sheet anchor of our safety in the stormy times of conflict with a foreign or domestic foe; we have looked to it with sacred awe as the palladium of our liberties, and with all the solemnities of religion have pledged to each other our lives and fortunes here and our hopes of happiness hereafter in its defense and support. Were we mistaken, my countrymen, in attaching this importance to the Constitution of our country? Was our devotion paid to the wretched, inefficient, clumsy contrivance which this new doctrine would make it? Did we pledge ourselves to the support of an airy nothing—a bubble that must be blown away by the first breath of disaffection? Was this self-destroying, visionary theory the work of the profound statesmen, the exalted

patriots, to whom the task of constitutional reform was intrusted? Did the name of Washington sanction, did the States deliberately ratify, such an anomaly in the history of fundamental legislation? No; we were not mistaken. The letter of this great instrument is free from this radical fault. Its language directly contradicts the imputation; its spirit, its evident intent, contradicts it. No; we did not err. Our Constitution does not contain the absurdity of giving power to make laws and another to resist them. The sages whose memory will always be reverenced have given us a practical and, as they hoped, a permanent constitutional compact. The Father of his Country did not affix his revered name to so palpable an absurdity. Nor did the States, when they severally ratified it, do so under the impression that a veto on the laws of the United States was reserved to them or that they could exercise it by implication. Search the debates in all their conventions, examine the speeches of the most zealous opposers of Federal authority, look at the amendments that were proposed; they are all silent—not a syllable uttered, not a vote given, not a motion made to correct the explicit supremacy given to the laws of the Union over those of the States, or to show that implication, as is now contended, could defeat it. No; we have not erred. The Constitution is still the object of our reverence, the bond of our Union, our defense in danger, the source of our prosperity in peace. It shall descend, as we have received it, uncorrupted by sophistical construction, to our posterity; and the sacrifices of local interest, of State prejudices, of personal animosities, that were made to bring it into existence, will again be patriotically offered for its support.

The two remaining objections made by the ordinance to these laws are that the sums intended to be raised by them are greater than are required and that the proceeds will be unconstitutionally employed.

The Constitution has given, expressly, to Congress the right of raising revenue and of determining the sum the public exigencies will require. The States have no control over the exercise of this right other than that which results from the power of changing the representatives who abuse it, and thus procure redress. Congress may undoubtedly abuse this discretionary power; but the same may be said of others with which they are vested. Yet the discretion must exist somewhere. The Constitution has given it to the representatives of all the people, checked by the representatives of the States and by the Executive power. The South Carolina construction gives it to the legislature or the convention of a single State, where neither the people of the different States, nor the States in their separate capacity, nor the Chief Magistrate elected by the people have any representation. Which is the most discreet disposition of the power? I do not ask you, fellow-citizens, which is the constitutional disposition; that instrument speaks a language not to be misunderstood. But if you were assembled in general convention, which would you think the safest depository of this discretionary power in the last

resort? Would you add a clause giving it to each of the States, or would you sanction the wise provisions already made by your Constitution? If this should be the result of your deliberations when providing for the future, are you, can you, be ready to risk all that we hold dear, to establish, for a temporary and a local purpose, that which you must acknowledge to be destructive, and even absurd, as a general provision? Carry out the consequences of this right vested in the different States, and you must perceive that the crisis your conduct presents at this day would recur whenever any law of the United States displeased any of the States, and that we should soon cease to be a nation.

The ordinance, with the same knowledge of the future that characterizes a former objection, tells you that the proceeds of the tax will be unconstitutionally applied. If this could be ascertained with certainty, the objection would with more propriety be reserved for the law so applying the proceeds, but surely can not be urged against the laws levying the duty.

These are the allegations contained in the ordinance. Examine them seriously, my fellow-citizens; judge for yourselves. I appeal to you to determine whether they are so clear, so convincing, as to leave no doubt of their correctness; and even if you should come to this conclusion, how far they justify the reckless, destructive course which you are directed to pursue. Review these objections and the conclusions drawn from them once more. What are they? Every law, then, for raising revenue, according to the South Carolina ordinance, may be rightfully annulled, unless it be so framed as no law ever will or can be framed. Congress have a right to pass laws for raising revenue and each State have a right to oppose their execution—two rights directly opposed to each other; and yet is this absurdity supposed to be contained in an instrument drawn for the express purpose of avoiding collisions between the States and the General Government by an assembly of the most enlightened statesmen and purest patriots ever embodied for a similar purpose.

In vain have these sages declared that Congress shall have power to lay and collect taxes, duties, imposts, and excises; in vain have they provided that they shall have power to pass laws which shall be necessary and proper to carry those powers into execution, that those laws and that Constitution shall be the "supreme law of the land, and that the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding;" in vain have the people of the several States solemnly sanctioned these provisions, made them their paramount law, and individually sworn to support them whenever they were called on to execute any office. Vain provisions! ineffectual restrictions! vile profanation of oaths! miserable mockery of legislation! if a bare majority of the voters in any one State may, on a real or supposed knowledge of the intent with which a law has been passed, declare themselves free from its operation; say, here it gives too

little; there, too much, and operates unequally; here it suffers articles to be free that ought to be taxed; there it taxes those that ought to be free; in this case the proceeds are intended to be applied to purposes which we do not approve; in that, the amount raised is more than is wanted. Congress, it is true, are invested by the Constitution with the right of deciding these questions according to their sound discretion. Congress is composed of the representatives of all the States and of all the people of all the States. But *we*, part of the people of one State, to whom the Constitution has given no power on the subject, from whom it has expressly taken it away; *we*, who have solemnly agreed that this Constitution shall be our law; *we*, most of whom have sworn to support it—*we* now abrogate this law and swear, and force others to swear, that it shall not be obeyed; and we do this not because Congress have no right to pass such laws—this we do not allege—but because they have passed them with improper views. They are unconstitutional from the motives of those who passed them, which we can never with certainty know; from their unequal operation, although it is impossible, from the nature of things, that they should be equal; and from the disposition which we presume may be made of their proceeds, although that disposition has not been declared. This is the plain meaning of the ordinance in relation to laws which it abrogates for alleged unconstitutionality. But it does not stop there. It repeals in express terms an important part of the Constitution itself and of laws passed to give it effect, which have never been alleged to be unconstitutional.

The Constitution declares that the judicial powers of the United States extend to cases arising under the laws of the United States, and that such laws, the Constitution, and treaties shall be paramount to the State constitutions and laws. The judiciary act prescribes the mode by which the case may be brought before a court of the United States by appeal when a State tribunal shall decide against this provision of the Constitution. The ordinance declares there shall be no appeal—makes the State law paramount to the Constitution and laws of the United States, forces judges and jurors to swear that they will disregard their provisions, and even makes it penal in a suitor to attempt relief by appeal. It further declares that it shall not be lawful for the authorities of the United States or of that State to enforce the payment of duties imposed by the revenue laws within its limits.

Here is a law of the United States, not even pretended to be unconstitutional, repealed by the authority of a small majority of the voters of a single State. Here is a provision of the Constitution which is solemnly abrogated by the same authority.

On such expositions and reasonings the ordinance grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the Union if any attempt is made to execute them.

This right to secede is deduced from the nature of the Constitution, which, they say, is a compact between sovereign States who have preserved their whole sovereignty and therefore are subject to no superior; that because they made the compact they can break it when in their opinion it has been departed from by the other States. Fallacious as this course of reasoning is, it enlists State pride and finds advocates in the honest prejudices of those who have not studied the nature of our Government sufficiently to see the radical error on which it rests.

The people of the United States formed the Constitution, acting through the State legislatures in making the compact, to meet and discuss its provisions, and acting in separate conventions when they ratified those provisions; but the terms used in its construction show it to be a Government in which the people of all the States, collectively, are represented. We are *one people* in the choice of President and Vice-President. Here the States have no other agency than to direct the mode in which the votes shall be given. The candidates having the majority of all the votes are chosen. The electors of a majority of States may have given their votes for one candidate, and yet another may be chosen. The people, then, and not the States, are represented in the executive branch.

In the House of Representatives there is this difference, that the people of one State do not, as in the case of President and Vice-President, all vote for the same officers. The people of all the States do not vote for all the members, each State electing only its own representatives. But this creates no material distinction. When chosen, they are all representatives of the United States, not representatives of the particular State from which they come. They are paid by the United States, not by the State; nor are they accountable to it for any act done in the performance of their legislative functions; and however they may in practice, as it is their duty to do, consult and prefer the interests of their particular constituents when they come in conflict with any other partial or local interest, yet it is their first and highest duty, as representatives of the United States, to promote the general good.

The Constitution of the United States, then, forms a *government*, not a league; and whether it be formed by compact between the States or in any other manner, its character is the same. It is a Government in which all the people are represented, which operates directly on the people individually, not upon the States; they retained all the power they did not grant. But each State, having expressly parted with so many powers as to constitute, jointly with the other States, a single nation, can not, from that period, possess any right to secede, because such secession does not break a league, but destroys the unity of a nation; and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offense against the whole Union. To say that any State may at pleasure secede from the Union is to say that the United States are not a nation, because it would be a solecism to

contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without committing any offense. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right is confounding the meaning of terms, and can only be done through gross error or to deceive those who are willing to assert a right, but would pause before they made a revolution or incur the penalties consequent on a failure.

Because the Union was formed by a compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it; but it is precisely because it is a compact that they can not. A compact is an agreement or binding obligation. It may by its terms have a sanction or penalty for its breach, or it may not. If it contains no sanction, it may be broken with no other consequence than moral guilt; if it have a sanction, then the breach incurs the designated or implied penalty. A league between independent nations generally has no sanction other than a moral one; or if it should contain a penalty, as there is no common superior it can not be enforced. A government, on the contrary, always has a sanction, express or implied; and in our case it is both necessarily implied and expressly given. An attempt, by force of arms, to destroy a government is an offense, by whatever means the constitutional compact may have been formed; and such government has the right by the law of self-defense to pass acts for punishing the offender, unless that right is modified, restrained, or resumed by the constitutional act. In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and under this grant provision has been made for punishing acts which obstruct the due administration of the laws.

It would seem superfluous to add anything to show the nature of that union which connects us, but as erroneous opinions on this subject are the foundation of doctrines the most destructive to our peace, I must give some further development to my views on this subject. No one, fellow-citizens, has a higher reverence for the reserved rights of the States than the Magistrate who now addresses you. No one would make greater personal sacrifices or official exertions to defend them from violation; but equal care must be taken to prevent, on their part, an improper interference with or resumption of the rights they have vested in the nation. The line has not been so distinctly drawn as to avoid doubts in some cases of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the Constitution; but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It rests, as we have seen, on the alleged undivided sovereignty of the States and on their having formed in this sovereign capacity a compact which is called the Constitution, from which, because they made it, they

have the right to secede. Both of these positions are erroneous, and some of the arguments to prove them so have been anticipated.

The States severally have not retained their entire sovereignty. It has been shown that in becoming parts of a nation, not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties, declare war, levy taxes, exercise exclusive judicial and legislative powers, were all of them functions of sovereign power. The States, then, for all these important purposes were no longer sovereign. The allegiance of their citizens was transferred, in the first instance, to the Government of the United States; they became American citizens and owed obedience to the Constitution of the United States and to laws made in conformity with the powers it vested in Congress. This last position has not been and can not be denied. How, then, can that State be said to be sovereign and independent whose citizens owe obedience to laws not made by it and whose magistrates are sworn to disregard those laws when they come in conflict with those passed by another? What shows conclusively that the States can not be said to have reserved an undivided sovereignty is that they expressly ceded the right to punish treason—not treason against their separate power, but treason against the United States. Treason is an offense against *sovereignty*, and sovereignty must reside with the power to punish it. But the reserved rights of the States are not less sacred because they have, for their common interest, made the General Government the depository of these powers. The unity of our political character (as has been shown for another purpose) commenced with its very existence. Under the royal Government we had no separate character; our opposition to its oppressions began as *united colonies*. We were the *United States* under the Confederation, and the name was perpetuated and the Union rendered more perfect by the Federal Constitution. In none of these stages did we consider ourselves in any other light than as forming one nation. Treaties and alliances were made in the name of all. Troops were raised for the joint defense. How, then, with all these proofs that under all changes of our position we had, for designated purposes and with defined powers, created national governments, how is it that the most perfect of those several modes of union should now be considered as a mere league that may be dissolved at pleasure? It is from an abuse of terms. Compact is used as synonymous with league, although the true term is not employed, because it would at once show the fallacy of the reasoning. It would not do to say that our Constitution was only a league, but it is labored to prove it a compact (which in one sense it is) and then to argue that as a league is a compact every compact between nations must of course be a league, and that from such an engagement every sovereign power has a right to recede. But it has been shown that in this sense the States are not sovereign, and that even if they were, and the national Constitution had been formed by compact, there would be no right in any one State to exonerate itself from its obligations.

So obvious are the reasons which forbid this secession that it is necessary only to allude to them. The Union was formed for the benefit of all. It was produced by mutual sacrifices of interests and opinions. Can those sacrifices be recalled? Can the States who magnanimously surrendered their title to the territories of the West recall the grant? Will the inhabitants of the inland States agree to pay the duties that may be imposed without their assent by those on the Atlantic or the Gulf for their own benefit? Shall there be a free port in one State and onerous duties in another? No one believes that any right exists in a single State to involve all the others in these and countless other evils contrary to engagements solemnly made. Everyone must see that the other States, in self-defense, must oppose it at all hazards.

These are the alternatives that are presented by the convention—a repeal of all the acts for raising revenue, leaving the Government without the means of support, or an acquiescence in the dissolution of our Union by the secession of one of its members. When the first was proposed, it was known that it could not be listened to for a moment. It was known, if force was applied to oppose the execution of the laws, that it must be repelled by force; that Congress could not, without involving itself in disgrace and the country in ruin, accede to the proposition; and yet if this is not done in a given day, or if any attempt is made to execute the laws, the State is by the ordinance declared to be out of the Union. The majority of a convention assembled for the purpose have dictated these terms, or rather this rejection of all terms, in the name of the people of South Carolina. It is true that the governor of the State speaks of the submission of their grievances to a convention of all the States, which, he says, they "sincerely and anxiously seek and desire." Yet this obvious and constitutional mode of obtaining the sense of the other States on the construction of the federal compact, and amending it if necessary, has never been attempted by those who have urged the State on to this destructive measure. The State might have proposed the call for a general convention to the other States, and Congress, if a sufficient number of them concurred, must have called it. But the first magistrate of South Carolina, when he expressed a hope that "on a review by Congress and the functionaries of the General Government of the merits of the controversy" such a convention will be accorded to them, must have known that neither Congress nor any functionary of the General Government has authority to call such a convention unless it be demanded by two-thirds of the States. This suggestion, then, is another instance of the reckless inattention to the provisions of the Constitution with which this crisis has been madly hurried on, or of the attempt to persuade the people that a constitutional remedy had been sought and refused. If the legislature of South Carolina "anxiously desire" a general convention to consider their complaints, why have they not made application for it in the way the Constitution points out?

The assertion that they "earnestly seek" it is completely negatived by the omission.

This, then, is the position in which we stand: A small majority of the citizens of one State in the Union have elected delegates to a State convention; that convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the Union. The governor of that State has recommended to the legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearances to vessels in the name of the State. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended. And it is the intent of this instrument to *proclaim*, not only that the duty imposed on me by the Constitution "to take care that the laws be faithfully executed" shall be performed to the extent of the powers already vested in me by law, or of such others as the wisdom of Congress shall devise and intrust to me for that purpose, but to warn the citizens of South Carolina who have been deluded into an opposition to the laws of the danger they will incur by obedience to the illegal and disorganizing ordinance of the convention; to exhort those who have refused to support it to persevere in their determination to uphold the Constitution and laws of their country; and to point out to all the perilous situation into which the good people of that State have been led, and that the course they are urged to pursue is one of ruin and disgrace to the very State whose rights they affect to support.

Fellow-citizens of my native State, let me not only admonish you, as the First Magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin. In that paternal language, with that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves or wish to deceive you. Mark under what pretenses you have been led on to the brink of insurrection and treason on which you stand. First, a diminution of the value of your staple commodity, lowered by overproduction in other quarters, and the consequent diminution in the value of your lands were the sole effect of the tariff laws. The effect of those laws was confessedly injurious, but the evil was greatly exaggerated by the unfounded theory you were taught to believe—that its burthens were in proportion to your exports, not to your consumption of imported articles. Your pride was roused by the assertion that a submission to those laws was a state of vassalage and that resistance to them was equal in patriotic merit to the opposition our fathers offered to the oppressive laws of Great Britain. You were told that this opposition might be peaceably, might be constitutionally, made; that you might enjoy all the advantages of the Union and bear none of its burthens. Eloquent appeals to your passions, to your State pride, to your native courage, to your sense of real injury,

were used to prepare you for the period when the mask which concealed the hideous features of *disunion* should be taken off. It fell, and you were made to look with complacency on objects which not long since you would have regarded with horror. Look back to the arts which have brought you to this state; look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive. It was added that the right to nullify a law rested on the same principle, but that it was a peaceable remedy. This character which was given to it made you receive with too much confidence the assertions that were made of the unconstitutionality of the law and its oppressive effects. Mark, my fellow-citizens, that by the admission of your leaders the unconstitutionality must be *palpable*, or it will not justify either resistance or nullification. What is the meaning of the word *palpable* in the sense in which it is here used? That which is apparent to everyone; that which no man of ordinary intellect will fail to perceive. Is the unconstitutionality of these laws of that description? Let those among your leaders who once approved and advocated the principle of protective duties answer the question; and let them choose whether they will be considered as incapable then of perceiving that which must have been apparent to every man of common understanding, or as imposing upon your confidence and endeavoring to mislead you now. In either case they are unsafe guides in the perilous path they urge you to tread. Ponder well on this circumstance, and you will know how to appreciate the exaggerated language they address to you. They are not champions of liberty, emulating the fame of our Revolutionary fathers, nor are you an oppressed people, contending, as they repeat to you, against worse than colonial vassalage. You are free members of a flourishing and happy Union. There is no settled design to oppress you. You have indeed felt the unequal operation of laws which may have been unwisely, not unconstitutionally, passed; but that inequality must necessarily be removed. At the very moment when you were madly urged on to the unfortunate course you have begun a change in public opinion had commenced. The nearly approaching payment of the public debt and the consequent necessity of a diminution of duties had already produced a considerable reduction, and that, too, on some articles of general consumption in your State. The importance of this change was underrated, and you were authoritatively told that no further alleviation of your burthens was to be expected at the very time when the condition of the country imperiously demanded such a modification of the duties as should reduce them to a just and equitable scale. But, as if apprehensive of the effect of this change in allaying your discontents, you were precipitated into the fearful state in which you now find yourselves.

I have urged you to look back to the means that were used to hurry you on to the position you have now assumed and forward to the consequences it will produce. Something more is necessary. Contemplate the condition of that country of which you still form an important part. Consider its Government, uniting in one bond of common interest and general protection so many different States, giving to all their inhabitants the proud title of *American citizen*, protecting their commerce, securing their literature and their arts, facilitating their intercommunication, defending their frontiers, and making their name respected in the remotest parts of the earth. Consider the extent of its territory, its increasing and happy population, its advance in arts which render life agreeable, and the sciences which elevate the mind! See education spreading the lights of religion, morality, and general information into every cottage in this wide extent of our Territories and States. Behold it as the asylum where the wretched and the oppressed find a refuge and support. Look on this picture of happiness and honor and say, *We too are citizens of America*. Carolina is one of these proud States; her arms have defended, her best blood has cemented, this happy Union. And then add, if you can, without horror and remorse, This happy Union we will dissolve; this picture of peace and prosperity we will deface; this free intercourse we will interrupt; these fertile fields we will deluge with blood; the protection of that glorious flag we renounce; the very name of Americans we discard. And for what, mistaken men? For what do you throw away these inestimable blessings? For what would you exchange your share in the advantages and honor of the Union? For the dream of a separate independence—a dream interrupted by bloody conflicts with your neighbors and a vile dependence on a foreign power. If your leaders could succeed in establishing a separation, what would be your situation? Are you united at home? Are you free from the apprehension of civil discord, with all its fearful consequences? Do our neighboring republics, every day suffering some new revolution or contending with some new insurrection, do they excite your envy? But the dictates of a high duty oblige me solemnly to announce that you can not succeed. The laws of the United States must be executed. I have no discretionary power on the subject; my duty is emphatically pronounced in the Constitution. Those who told you that you might peaceably prevent their execution deceived you; they could not have been deceived themselves. They know that a forcible opposition could alone prevent the execution of the laws, and they know that such opposition must be repelled. Their object is disunion. But be not deceived by names. Disunion by armed force is *treason*. Are you really ready to incur its guilt? If you are, on the heads of the instigators of the act be the dreadful consequences; on their heads be the dishonor, but on yours may fall the punishment. On your unhappy State will inevitably fall all the evils of the conflict you force upon the Government of your

country. It can not accede to the mad project of disunion, of which you would be the first victims. Its First Magistrate can not, if he would, avoid the performance of his duty. The consequence must be fearful for you, distressing to your fellow-citizens here and to the friends of good government throughout the world. Its enemies have beheld our prosperity with a vexation they could not conceal; it was a standing refutation of their slavish doctrines, and they will point to our discord with the triumph of malignant joy. It is yet in your power to disappoint them. There is yet time to show that the descendants of the Pinckneys, the Sumpters, the Rutledges, and of the thousand other names which adorn the pages of your Revolutionary history will not abandon that Union to support which so many of them fought and bled and died. I adjure you, as you honor their memory, as you love the cause of freedom, to which they dedicated their lives, as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retrace your steps. Snatch from the archives of your State the disorganizing edict of its convention; bid its members to reassemble and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity, and honor. Tell them that compared to disunion all other evils are light, because that brings with it an accumulation of all. Declare that you will never take the field unless the star-spangled banner of your country shall float over you; that you will not be stigmatized when dead, and dishonored and scorned while you live, as the authors of the first attack on the Constitution of your country. Its destroyers you can not be. You may disturb its peace, you may interrupt the course of its prosperity, you may cloud its reputation for stability; but its tranquillity will be restored, its prosperity will return, and the stain upon its national character will be transferred and remain an eternal blot on the memory of those who caused the disorder.

Fellow-citizens of the United States, the threat of unhallowed disunion, the names of those once respected by whom it is uttered, the array of military force to support it, denote the approach of a crisis in our affairs on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments may depend. The conjuncture demanded a free, a full, and explicit enunciation, not only of my intentions, but of my principles of action; and as the claim was asserted of a right by a State to annul the laws of the Union, and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our Government and the construction I give to the instrument by which it was created seemed to be proper. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties which has been expressed, I rely with equal confidence on your undivided support in my determination to execute the laws, to preserve the Union by all constitutional means, to arrest, if possible, by moderate and firm measures the necessity of a recourse to

force; and if it be the will of Heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States.

Fellow-citizens, the momentous case is before you. On your undivided support of your Government depends the decision of the great question it involves—whether your sacred Union will be preserved and the blessing it secures to us as one people shall be perpetuated. No one can doubt that the unanimity with which that decision will be expressed will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom, and the courage which it will bring to their defense will transmit them unimpaired and invigorated to our children.

May the Great Ruler of Nations grant that the signal blessings with which He has favored ours may not, by the madness of party or personal ambition, be disregarded and lost; and may His wise providence bring those who have produced this crisis to see the folly before they feel the misery of civil strife, and inspire a returning veneration for that Union which, if we may dare to penetrate His designs, He has chosen as the only means of attaining the high destinies to which we may reasonably aspire.

In testimony whereof I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

[SEAL.] Done at the city of Washington, this 10th day of December, A. D. 1832, and of the Independence of the United States the fifty-seventh.

ANDREW JACKSON.

By the President:

EDW. LIVINGSTON,

Secretary of State.

ERRATA.

[The following papers were found too late for insertion in Vol. I.]

LETTER FROM THE PRESIDENT ELECT.

[From Annals of Congress, Fourth Congress, second session, 1544.]

The Vice-President laid before the Senate the following communication:

Gentlemen of the Senate:

In consequence of the declaration made yesterday in the Chamber of the House of Representatives of the election of a President and Vice-President of the United States, the record of which has just now been read from your journal by your secretary, I have judged it proper to give notice that on the 4th of March next, at 12 o'clock, I propose to attend again in the Chamber of the House of Representatives, in order to take the oath prescribed by the Constitution of the United States to be taken by the President, to be administered by the Chief Justice or such other judge of the Supreme Court of the United States as can most conveniently attend, and, in case none of those judges can attend, by the judge of the district of Pennsylvania, before such Senators and Representatives of the United States as may find it convenient to honor the transaction with their presence.

[JOHN ADAMS.]

FEBRUARY 9, 1797.

PROCLAMATION.

[From Annals of Congress, Fifth Congress, Vol. I, 620.]

UNITED STATES, *July 16, 1798.*

The President of the United States to ——, *Senator for the State of* ——:

Certain matters touching the public good requiring that the session of the Senate for executive business should be continued, and that the members thereof should convene on Tuesday, the 17th day of July instant, you are desired to attend at the Senate Chamber, in Philadelphia, on that day, at 10 o'clock in the forenoon, then and there to receive and deliberate on such communications as shall be made to you on my part.

JOHN ADAMS.

PROCLAMATION.

[From Miscellaneous Letters, Department of State, vol. 24.]

BY THE PRESIDENT OF THE UNITED STATES.

In pursuance of the act of Congress passed on the 16th July, 1798, entitled "An act for erecting a light-house at Gayhead, on Marthas Vineyard, and for other purposes," and an act which passed the legislature of Massachusetts on the 22d February, 1799, entitled "An act to cede to the United States a tract of land at Gayhead for a light-house," the following tract of land, situate at Gayhead, on the western part of Marthas Vineyard, in Dukes County, State of Massachusetts, is designated as the land ceded to the United States by the aforesaid act of the legislature of Massachusetts for the purpose of erecting a light-house, to wit: Beginning at a stake and heap of stones (1 rod from the edge of the cliff of said head), thence east 11 degrees south 18 rods to a stake and heap of stones; thence south 11 degrees west 18 rods to a stake and heap of stones; thence west 11 degrees north 18 rods to a stake and heap of stones; thence north 11 degrees east to the first-mentioned bound, containing 2 acres and 4 rods.

In witness whereof I have caused the seal of the United States of America to be hereto affixed, and signed the same with my [SEAL.] hand, at Philadelphia, on the 1st day of July, 1799, and in the twenty-third year of the Independence of the said States.

JOHN ADAMS.

By the President:

TIMOTHY PICKERING,

Secretary of State.

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